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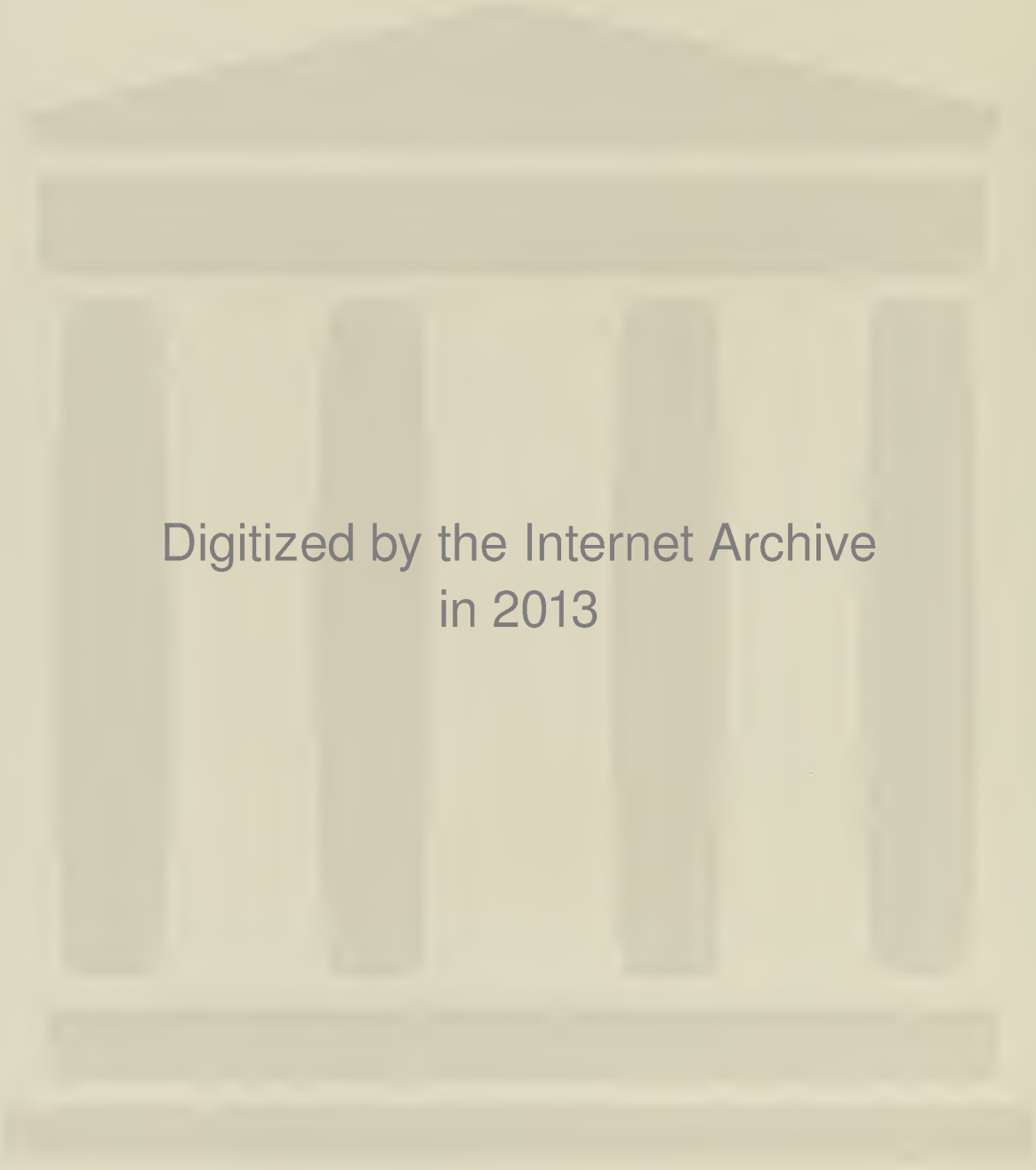

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Board of Appeals

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January 02, 2008 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for Dec. 26, 2007 or Jan. 2, 2008, and has **CANCELLED** the meeting of Jan. 9, 2008. The next regular meeting is scheduled for **Wednesday, Jan. 16, 2008, City Hall, Room 416, 5:00 p.m.,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Dec. 20, 2007**

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Board of Appeals

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January 16, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 16, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **SPECIAL ITEM:**

Discussion and possible action to approve process for hiring permanent Executive Secretary / Dept. Head for Board of Appeals, including short presentation by staff of Dept. of Human Resources.

(3) **ELECTION OF OFFICERS:**

(4) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(5) ADDENDUM ITEMS:

(5a) ADOPTION OF FINDINGS:

Subject property at 880-882 Dolores Street. Appeal No. 07-148, Donaldson vs. DBI, PCD, decided November 7, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: merge two units into one; interior alterations; BPA No. 2006/11/20/8161S.

(5b) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 1581 Masonic Avenue. Permit issued on Dec 6, 2007. Last day to appeal was Dec. 21, 2007. Jurisdiction request received on December 26, 2007. Letter from Claire Harrison & Erik Ambjor, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2007/12/06/9826. Permit Holders: Bob & Candace Barnes. Project: new front fence (6' – 0") and side fence (8' – 0"); 75% open at front.

(6) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ Taxi", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. PUBLIC HEARING HELD & CLOSED ON OCT. 24, 2007. FOR FURTHER CONSIDERATION TODAY **Note: Matter continued to allow time for appellant to comply with TC Rules, and to allow time for the TC to conduct one final surprise audit.**

(7) **APPEAL NO. 07-158**

MANUEL LOLI, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the revocation on August 29, 2007, of Street Artist Certificate No. 6040. PUBLIC HEARING HELD & CLOSED ON NOV. 7, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to submit additional documents pursuant to the Board's comments.**

(8) **APPEAL NO. 07-131**

URSULA & JUERG AESCHBACH, Appellant(s) vs	620 Ortega Street. Protesting the issuance on July 20, 2007, to Eric Hagerman, Permit to Alter a Building (on single-family house comply with NOV No. 200706157; erect a six-foot

DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	fence on top of existing four-foot retaining wall). APPLICATION NO. 2007/06/27/5296. FOR REHEARING TODAY. **Note: On Oct. 24, 2007, the Board voted 5-0 to uphold the permit. On Dec. 12, 2007, the Board voted 5-0 to grant the appellants' rehearing request, and to set the rehearing for Jan. 16, 2008.**

ITEMS (9A), (9B), & (9C) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 07-191**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 16, 2007, to Peter Quintana, Permit to Alter a Building (on single-family house: removal of illegal unit; convert back to legal storage). APPLICATION NO. 2007/07/16/6810. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.

(9B) **APPEAL NO. 07-192**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 18, 2007, to Peter Quintana, Plumbing Permit (demolish plumbing in illegal apartment). APPLICATION NO. PP2007/07/18/670. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.

(9C) **APPEAL NO. 07-193**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 19, 2007, to Peter Quintana, Electrical Permit (remove wiring installed illegally in basement, and install sub-load center). APPLICATION NO. E2007/07/19/9821. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.

(10) **APPEAL NO. 07-194**

MIKE BOSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	491 Bayshore Blvd. Protesting the issuance on Sept. 25, 2007, to Bayshore One LLC, Site Permit to Erect a Building (two-story retail building with 111,719sf of ground floor area). APPLICATION NO. 2001/04/09/6352S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **January 10, 2008**

MEMBERS OF THE BOARD OF APPEALS

RANDALL KNOX	PRESIDENT
MICHAEL GARCIA	VICE PRESIDENT
KATHARINE ALBRIGHT	COMMISSIONER
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Victor Pacheco at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854, or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317, web site www.sfgov.org/ethics

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Robert Feldman, Executive Secretary, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 16, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Randall Knox, Vice President Michael Garcia, Commissioner Katharine Albright, Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Heidi Machen, Executive Director, Taxi Commission (TC); Howard Lazar, Arts Commission (AC); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Joel Case, Official Court Reporter.

ABSENT: Commissioner Frank Fung.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKER: Johnny Peters.

(2) **SPECIAL ITEM:**

Discussion and possible action to approve process for hiring permanent Executive Secretary / Dept. Head for Board of Appeals, including short presentation by staff of Dept. of Human Resources.

SPEAKERS: Lilly Ellison, DHR; Lucy Palileo, DHR.

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(3) **ELECTION OF OFFICERS:**

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to elevate Michael Garcia to the Presidency. Then, upon motion by President Knox, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to elevate Katharine Albright to the Vice Presidency.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

Subject property at 880-882 Dolores Street. Appeal No. 07-148, Donaldson vs. DBI, PCD, decided November 7, 2007. At that time, upon motion by Commissioner Albright, the Board voted 4-1 (Commissioner Haaland dissented) to overrule the denial, and grant the permit with findings to be adopted at a later date. Project: merge two units into one; interior alterations; BPA No. 2006/11/20/8161S.

ACTION: Upon motion by Commissioner Albright, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1581 Masonic Avenue. Permit issued on Dec.6, 2007. Last day to appeal was Dec. 21, 2007. Jurisdiction request received on December 26, 2007. Letter from Claire Harrison & Erik Ambjor, requestors, asking that the Board take jurisdiction over Building Permit Application No. 2007/12/06/9826. Permit Holders: Bob & Candace Barnes. Project: new front fence (6' – 0") and side fence (8' – 0"); 75% open at front.

ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to grant the jurisdiction request.

SPEAKERS: Erik Ambjor, co-requestor; Celeste Barnes, agent for permit holder; Scott Sanchez, (PD).

PUBLIC COMMENT: None.

(6) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ Taxi", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. PUBLIC HEARING HELD & CLOSED ON OCT. 24, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to comply with TC Rules, and to allow time for the TC to conduct one final surprise audit.**

ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to continue the matter to March 12, 2008.

SPEAKERS: Heidi Machen, (TC); Scott Leon, (TC).

PUBLIC COMMENT: None.

(7) **APPEAL NO. 07-158**

MANUEL LOLI, Appellant(s) vs. ART COMMISSION, Respondent	Appealing the revocation on August 29, 2007, of Street Artist Certificate No. 6040. PUBLIC HEARING HELD & CLOSED ON NOV. 7, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to submit additional documents pursuant to the Board's comments.**

ACTION: Upon motion by Vice President Garcia, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to overrule the revocation, and grant a 3-month permit, to be subject to the street artist Program Rules, and with the following findings: (a) that appellant may not have fully understood the street artist requirements that caused revocation in the underlying proceedings; and (b) that appellant has submitted an affidavit with assistance of Spanish translator that reflects an understanding of the street artist Program Rules and a willingness to comply.

SPEAKERS: Howard Lazar, AC; Alexander Lloyd, AC; Manuel Loli, appellant, via translator Fanny Suarez.

PUBLIC COMMENT: Kathleen Hallinan and John Thormey spoke in favor of the Arts Commission.

(8) **APPEAL NO. 07-131**

URSULA & JUERG AESCHBACH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	620 Ortega Street. Protesting the issuance on July 20, 2007, to Eric Hagerman, Permit to Alter a Building (on single-family house: comply with NOV No. 200706157; erect a six-foot fence on top of existing four-foot retaining wall). APPLICATION NO. 2007/06/27/5296. FOR REHEARING TODAY. **Note: On Oct. 24, 2007, the Board voted 5-0 to uphold the permit. On Dec. 12, 2007, the Board voted 5-0 to grant the appellants' rehearing request, and to set the rehearing for Jan. 16, 2008.**

ACTION: Upon motion by President Knox, the Board voted 2 – 2 – 1 (Vice President Garcia and Commissioner Albright dissented, Commissioner Fung absent) to uphold the permit on condition that the fence not exceed the top of the lattice work of the adjoining property (figure 5, permit holder's brief). Failed for lack of four votes. Afterwards, upon motion by Comm. Haaland, the Board voted 4 – 0 – 1 (Commissioner Fung absent) to uphold the permit on condition that the first four (4) feet of the fence above the retaining wall may be solid, with an additional two (2) feet of lattice, and for said lattice to be at least 30% open, and that the total fence height not exceed nine (9) feet above grade at any point, with grade measured from the bottom of the retaining wall.

SPEAKERS: Ursula Aesbach, appellant; Eric Hagerman, permit holder; Laurence Kornfield, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: None.

ITEMS (9A), (9B), & (9C) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 07-191**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 16, 2007, to Peter Quintana, Permit to Alter a Building (on single-family house: removal of illegal unit; convert back to legal storage). APPLICATION NO. 2007/07/16/6810. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.

(9B) **APPEAL NO. 07-192**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 18, 2007, to Peter Quintana, Plumbing Permit (demolish plumbing in illegal apartment). APPLICATION NO. PP2007/07/18/670. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.

(9C) **APPEAL NO. 07-193**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 19, 2007, to Peter Quintana, Electrical Permit (remove wiring installed illegally in basement, and install sub-load center). APPLICATION NO. E2007/07/19/9821. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 3 – 1 – 1 (Vice President Garcia dissented, Commissioner Fung absent) to continue the matters to April 9, 2008, with the public hearing closed; matters continued to allow the Board to review the due process issues raised by permit holder.

SPEAKERS: George Gomes, appellant; Scott Moore, agent for appellant; Peter Quintana, permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 07-194**

MIKE BOSS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	491 Bayshore Blvd. Protesting the issuance on Sept. 25, 2007, to Bayshore One LLC, Site Permit to Erect a Building (two-story retail building with 111,719sf of ground floor area). APPLICATION NO. 2001/04/09/6352S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 2 – 2 – 1 (Vice President Garcia and Commissioner Albright dissented, Commissioner Fung absent) to continue the matter to January 23, 2008. Failed for lack of three votes. Afterwards, upon motion by Vice President Garcia, the Board voted 3 – 1 – 1 (Commissioner Haaland dissented, Commissioner Fung absent) to uphold the permit. Afterwards, upon motion by Vice President Garcia, the Board voted 3 – 1 – 1 (Commissioner Haaland dissented, Commissioner Fung absent) to adopt the findings as amended (2nd line in finding #3 was struck by the Board).

SPEAKERS: Sue Hestor, attorney for appellant; Anna Shimko, attorney for permit holder; Frank Coda, agent for permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Tom Radulovich, Dave Karp, Mary Williams, Barbara Kyle, Patrick Monk, Laurov Felicita, Rick Karp, and Joseph Smooke. The following people spoke in favor of the permit holder: Ellouise Patton, Rev. Arelious Walker, Angelo King, Judith Berkowitz, Bill Gross, Richard Everett, Darnell Helton, Michael Phillips, Sonya Richardson, Drew Howard, John Barbey, Laurel Muniz, and Arnold Townsend.

There being no further business, President Garcia adjourned the meeting at 11:20 p.m.

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January 23, 2008

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 23, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Subject property at 266 Sutter Street, 5th Floor. Letter from Arthur Liu, attorney for Dynamic Acupuncture & Acupressure Clinic, appellant, requesting rehearing of Appeal No. 07-101, D.A.A.C. vs. ZA, decided Sept. 19, 2007. At that time, upon motion by Vice President Garcia, the Board voted 2-2-1 (President Knox and Commissioner Haaland dissented, Commissioner Albright absent) to uphold the subject Notice of Violation (NOV) regarding the establishment of a non-authorized massage establishment at the subject property. Four votes being required to overturn a departmental action under the City Charter, the subject NOV was upheld.

(3b) **ADOPTION OF FINDINGS:**

Subject property at 78 Peralta Avenue Appeal No. V07-133, Scull vs. ZA, decided November 7, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (President Knox dissented) to overrule the denial, and grant the variance with findings to be adopted at a later date. Project: removal of required conditions per Variance Case No. 1998.567V that allowed a second dwelling unit on the ground floor through the removal of the existing off-street parking space of the subject building; Variance Case No. 2007.0449V.

(4) **APPEAL NO. 07-048**

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to seek a settlement with adjacent neighbors, submit revised plans, and for the Planning Dept. to review the matter.**

(5) **APPEAL NO. 07-203**

SAFEWAY STORE NO. 4601, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	145 Jackson Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Oct. 10, 2007. Reason(s) for suspension: selling tobacco products to minors DIRECTOR'S CASE NO. FD-07-205. FOR HEARING TODAY.

(6) APPEAL NO. 07-205

HDS RETAIL NORTH AMERICA LP dba "PRESS RELAY", Appellant(s) vs. DEPT OF PUBLIC HEALTH, Respondent	555 California Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Oct. 10, 2007. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-07-203. FOR HEARING TODAY.

(7) APPEAL NO. 07-206

SANDRA LANE dba "MUZZY'S ATTIC", Appellant(s) vs. POLICE DEPARTMENT, Respondent	3448 Balboa Street. Appealing the revocation on Oct. 10, 2007, of Second Hand Dealer/ Antique Shop Permit (P52). ACCOUNT NO. 1302. FOR HEARING TODAY.

(8) APPEAL NO. 07-159

NANCY HOUSE Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	75 Folsom Street. Appealing the denial on August 31, 2007, of Permit to Alter a Building (on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units). APPLICATION NO. 2007/01/16/1750. FOR HEARING TODAY.

Note: Appeal No. 07-159 at 75 Folsom Street will be rescheduled to March 12, 2008 at the request of the appellant and with the agreement of the Planning Department.

(9) APPEAL NO. 07-200

CHRISTMAS LEUBRIE, ALICE HEIMSOTH, BARBARA WARD & HERMINIA ALBARRAN-ROMERO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	259-261-263 Bartlett Street. Protesting the issuance on Aug. 17, 2007, to Derning-Throne Inc., Permit to Alter a Building (on six-unit apartment building: foundation upgrade, 1st floor framing upgrade to accommodate installation of garages; new shear wall upgrade in garage; repair backstairs; no work on exterior elevation to be done. APPLICATION NO. 2007/08/02/8574. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.

(10) APPEAL NO. 07-201

DEBORAH HONIG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	82 – 22nd Avenue. Protesting the issuance on Oct. 4, 2007, to Julie Kase, Permit to Alter a Building (on single-family house: add side deck to rear of home; less than 10' off the ground). APPLICATION NO. 2007/09/28/4049. FOR HEARING TODAY.

(11) APPEAL NO. 07-202

PAUL ZINGARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2368 - 3rd Street. Protesting the issuance on Oct. 5, 2007, to Richard Vila, Permit to Alter a Building (on single-family residential building / restaurant: remodel bar / restaurant kitchen and spend 20% of project cost to upgrade entry, path of travel and restrooms). APPLICATION NO. 2007/03/15/6385. FOR HEARING TODAY.

(12) APPEAL NO. 07-208

INDIA BASIN NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	845-855 Hudson Avenue. Protesting the issuance on Oct.16, 2007, to JJ Wintersteen, Permit to Alter a Building (construct new temporary metal canopies for welding and storage purposes; metal fabrication on an empty lot; two metal structures 15' X 45' and 20' X 54' in size). APPLICATION NO. 2007/10/16/5543. FOR HEARING TODAY.

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Date posted: January 18, 2008

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
KATHARINE ALBRIGHT	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
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For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 23, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Katharine Albright, Commissioner Frank Fung, Commissioner Robert Haaland, and Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Cecilia Mangoba, Dept. of Public Health, (DPH EHS); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; and Joel Case, Official Court Reporter.

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(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Subject property at 266 Sutter Street, 5th Floor. Letter from Arthur Liu, attorney for Dynamic Acupuncture & Acupressure Clinic, appellant, requesting rehearing of Appeal No. 07-101, D.A.A.C. vs. ZA, decided Sept. 19, 2007. At that time, upon motion by Vice President Garcia, the Board voted 2-2-1 (President Knox and Commissioner Haaland dissented, Commissioner Albright absent) to uphold the subject Notice of Violation (NOV) regarding the establishment of a non-authorized massage establishment at the subject property. Four votes being required to overturn a departmental action under the City Charter, the subject NOV was upheld.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to deny the rehearing request.

SPEAKERS: Arthur Liu, attorney for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(3b) **ADOPTION OF FINDINGS:**

Subject property at 78 Peralta Avenue Appeal No. V07-133, Scull vs. ZA, decided November 7, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (President Knox dissented) to overrule the denial, and grant the variance with findings to be adopted at a later date. Project: removal of required conditions per Variance Case No. 1998.567V that allowed a second dwelling unit on the ground floor through the removal of the existing off-street parking space of the subject building; Variance Case No. 2007.0449V.

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Knox dissented) to adopt the findings as amended.

SPEAKERS: Suzanne Scull, appellant; Scott Sanchez, PD; William Heijn, agent for appellant.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 07-048**

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, regarding allegations of an unlawful residential demolition at the subject property. PUBLIC HEARING HELD & CLOSED ON JUNE 20, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to seek a settlement with adjacent neighbors, submit revised plans, and for the Planning Dept. to review the matter.**

ACTION: Upon motion by Comm. Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to February 6, 2008, with updates due one (1) Thursday prior; continued to allow appellant and neighbors additional time to settle issues.

SPEAKERS: Scott Sanchez, PD; Heston Chau, agent for appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: Cerise Cheng and Helen Tam spoke in favor of DBI.

(5) **APPEAL NO. 07-203**

SAFEWAY STORE NO. 4601, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	145 Jackson Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Oct. 10, 2007. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-07-205. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the fifteen (15) – day suspension.

SPEAKERS: Cecilia Mangoba, attorney for DPH; Sean Welch, attorney for appellant; Alfredo Lewis, agent for appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 07-205**

HDS RETAIL NORTH AMERICA LP dba "PRESS RELAY", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	555 California Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Oct. 10, 2007. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-07-203. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the DPH on condition that the suspension be reduced to 15 days.

SPEAKERS: Cecilia Mangoba, attorney for DPH; Clark Lammers, agent for appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 07-206**

SANDRA LANE dba "MUZZY'S ATTIC", Appellant(s) vs. POLICE DEPARTMENT, Respondent	3448 Balboa Street. Appealing the revocation on Oct. 10, 2007, of Second Hand Dealer/ Antique Shop Permit (P52). ACCOUNT NO. 1302. FOR HEARING TODAY.

ACTION: Upon motion by Comm. Knox, the Board voted 5 – 0 to recuse Comm. Knox. Afterwards, upon motion by Comm. Fung, the Board voted 4 – 0 – 1 (Comm. Knox recused) to overrule the revocation with conditions as suggested by SFPD.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 07-159**

NANCY HOUSE Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	75 Folsom Street. Appealing the denial on August 31, 2007, of Permit to Alter a Building (on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units). APPLICATION NO. 2007/01/16/1750. FOR HEARING TODAY.

Note: Appeal No. 07-159 at 75 Folsom Street will be rescheduled to March 12, 2008 at the request of the appellant and with the agreement of the Planning Department.

ACTION: Upon motion by Comm. Fung, the Board voted 5 – 0 to reschedule the matter to March 12, 2008.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 07-200**

CHRISTMAS LEUBRIE, ALICE HEIMSOTH, BARBARA WARD & HERMINIA ALBARRAN-ROMERO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	259-261-263 Bartlett Street. Protesting the issuance on Aug. 17, 2007, to Derning-Throne Inc., Permit to Alter a Building (on six-unit apartment building: foundation upgrade, 1st floor framing upgrade to accommodate installation of garages; new shear wall upgrade in garage; repair backstairs; no work on exterior elevation to be done. APPLICATION NO. 2007/08/02/8574. JURISDICTION GRANTED OCT. 3, 2007. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the permit on condition that the suspension remain until October 1, 2008.

SPEAKERS: Raquel Fox, attorney for appellant; Frederik Emilson, attorney for permit holder.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 07-201**

DEBORAH HONIG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	82 – 22nd Avenue. Protesting the issuance on Oct. 4, 2007, to Julie Kase, Permit to Alter a Building (on single-family house: add side deck to rear of home; less than 10' off the ground). APPLICATION NO. 2007/09/28/4049. FOR HEARING TODAY.

ACTION: Upon motion by Comm. Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to Call of the Chair, in order for Board staff to seek DBI letter withdrawing permit.

SPEAKERS: Scott Sanchez, PD; appellant and permit holder did not appear.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 07-202**

PAUL ZINGARO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2368 - 3rd Street. Protesting the issuance on Oct. 5, 2007, to Richard Vila, Permit to Alter a Building (on single-family residential building / restaurant: remodel bar / restaurant kitchen and spend 20% of project cost to upgrade entry, path of travel and restrooms). APPLICATION NO. 2007/03/15/6385. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 07-208**

INDIA BASIN NEIGHBORHOOD ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	845-855 Hudson Avenue. Protesting the issuance on Oct.16, 2007, to JJ Wintersteen, Permit to Alter a Building (construct new temporary metal canopies for welding and storage purposes; metal fabrication on an empty lot; two metal structures 15' X 45' and 20' X 54' in size). APPLICATION NO. 2007/10/16/5543. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Albright, the Board voted 5 – 0 to revoke the permit with a finding that the Board lacks jurisdiction over the subject permit due to the interim zoning controls (which currently require a conditional use for this type of project).

SPEAKERS: Yakuh Askew, agent for permit holder; Kristine Enea, agent for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: The following people spoke in favor of the permit holder: Brian Maloney, Brendan Bannon, and Richie Hart.

There being no further business, President Garcia adjourned the meeting at 7:43 p.m.

Board of Appeals

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JANUARY 30, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **ADOPTION OF FINDINGS:**

Subject property at 2473-2477 Lombard Street. Appeal No. V07-184, Applegate vs. ZA, decided Dec. 19, 2007. At that time, upon motion by Vice President Garcia, the Board voted 5-0 to overrule the denial, and grant the variance with findings to be adopted at a later date. Project: convert ground floor commercial space into garage for two cars; Variance Case No. 2007.0323V.

(4) **APPEAL NO. 07-174**

JACQUES JANOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	963 North Point Street. Protesting the issuance on September 5, 2007, to IJLN Investments LLC, Site Permit to Erect a Building (four-story, two-unit building with 1,387sf of ground floor area). APPLICATION NO. 2006/10/12/4833S. PUBLIC HEARING HELD & CLOSED ON DEC. 12, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to negotiate the easement issue.**

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 07-074**

DEBORAH STOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	124 -128 Fillmore Street. Protesting the issuance on May 8, 2007, to David Nale, Site Permit to Alter a Building (on three-unit apartment building: garage in rear yard; variance application filed, roof deck over garage; three-car car lift). APPLICATION NO. 2005/06/17/5345S FOR HEARING TODAY

(5B) **APPEAL NO. 07-088**

DAVID NALE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. REQUEST FOR SUSPENSION	124-126 Fillmore Street. Appealing the suspension on May 22, 2007, of Building Permit Application No. 2005/06/17/5345. Reason for suspension: a bed and breakfast is operating at the subject property without Conditional Use (CU) authorization from the Planning Commission. FOR HEARING TODAY

(6) **APPEAL NO. 07-186**

ROBERT TRACY, Appellant(s) vs DEPT OF BUILDING INSPECTION, Respondent	3816- 21st Street. Protesting the issuance on Oct. 1, 2007, to Leo Portal, Permit to Alter a Building (on single-family house: install spiral stair; no structural changes or modification to existing 5' X 5' opening). APPLICATION NO. 2007/09/19/3140. FOR HEARING TODAY.

(7) **APPEAL NO. 07-187**

DALE GUTIERREZ & JOHN ENGDAHL, Appellant(s) vs. DEPT OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2138 – 26th Avenue. Protesting the issuance on Sept. 18, 2007, to Jin Hua Cai, Permit to Alter a Building (on single-family house: construct new deck with staircase at rear of building; size approx. 19' X 4'). APPLICATION NO. 2007/09/18/2928. FOR HEARING TODAY.

(8) **APPEAL NO. 07-189**

ROBERT EASTMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	119 Gates Street. Protesting the issuance on Oct. 3, 2007, to Jacqueline McLaughlin, Site Permit to Alter a Building (on single-family house: finish existing unfinished basement; expand existing bath at first level; construct new deck at first and second levels at rear; new patio at existing back yard; new patio doors at new deck – rear yard). APPLICATION NO. 2006/12/20/0258S. FOR HEARING TODAY.

(9) **APPEAL NO. 07-190**

SO LONG PHUONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	249-251 Onondaga Avenue. Protesting the issuance on Oct. 2, 2007, to Theresa Marshall, Site Permit to Alter a Building (on single-family house: construct new 1,300sf apartment at existing second floor and deck; strengthen existing structural construction; add new skylight). APPLICATION NO. 2006/07/31/8086S. FOR HEARING TODAY.

(10) **APPEAL NO. 07-196**

JOHNSON YOU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	245 Clement Street. Appealing a Notice of Violation dated Sept. 28, 2007, addressed to Johnson You, regarding an unauthorized independent massage establishment use at the subject property. FOR HEARING TODAY.

(11) **APPEAL NO. V07-214**

DOLORES ST. HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1266B Dolores Street. Appealing the denial on Nov. 9, 2007, of Rear Yard Variance (reconstruct a non-conforming two-story rear portion of the building which was demolished during remodeling). VARIANCE CASE NO. 2007.1102V. FOR HEARING TODAY.

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Date posted: **January 25, 2008**

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KATHARINE ALBRIGHT	VICE PRESIDENT
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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JANUARY 30, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Katharine Albright, Commissioner Frank Fung, Commissioner Robert Haaland, Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosch, Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Joel Case, Official Court Reporter.

3
30/08

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Joe Sherer.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADDENDUM ITEMS:**

(3a) **ADOPTION OF FINDINGS:**

Subject property at 2473-2477 Lombard Street. Appeal No. V07-184, Applegate vs. ZA, decided Dec. 19, 2007. At that time, upon motion by Vice President Garcia, the Board voted 5-0 to overrule the denial, and grant the variance with findings to be adopted at a later date. Project: convert ground floor commercial space into garage for two cars; Variance Case No. 2007.0323V.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 07-174**

JACQUES JANOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	963 North Point Street. Protesting the issuance on September 5, 2007, to IJLN Investments LLC, Site Permit to Erect a Building (four-story, two-unit building with 1,387sf of ground floor area). APPLICATION NO. 2006/10/12/4833S. PUBLIC HEARING HELD & CLOSED ON DEC. 12, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to negotiate the easement issue.**

ACTION: Upon motion by Vice President Albright, the Board voted 5 – 0 to reschedule the matter to March 12, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 07-074**

DEBORAH STOTT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	124 -128 Fillmore Street. Protesting the issuance on May 8, 2007, to David Nale, Site Permit to Alter a Building (on three-unit apartment building: garage in rear yard; variance application filed; roof deck over garage; three-car car lift). APPLICATION NO. 2005/06/17/5345S. FOR HEARING TODAY.

(5B) **APPEAL NO. 07-088**

DAVID NALE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. REQUEST FOR SUSPENSION	124-126 Fillmore Street. Appealing the suspension on May 22, 2007, of Building Permit Application No. 2005/06/17/5345. Reason for suspension: a bed and breakfast is operating at the subject property without Conditional Use (CU) authorization from the Planning Commission. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to revoke the permit in Appeal No. 07-074 with findings to be adopted at a later date. Afterwards, upon motion by Comm. Haaland, the Board voted 5 – 0 to uphold the DBI suspension in Appeal No. 07-088.

SPEAKERS: Deborah Stott, appellant; Scott Sanchez, PD; Tex Ritter, attorney for permit holder / property owner; David Nale, appellant.

PUBLIC COMMENT: Vallie Brown, Geoffrey Holtz, Christine Ferrari, Robert Van Gool, Jimmy Terrell, and Ronald Townsend spoke in favor of the ZA; Janan New and Seth Cotterell spoke in favor of the permit holder / property owner.

(6) **APPEAL NO. 07-186**

ROBERT TRACY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3816- 21st Street. Protesting the issuance on Oct. 1, 2007, to Leo Portal, Permit to Alter a Building (on single-family house: install spiral stair; no structural changes or modification to existing 5' X 5' opening). APPLICATION NO. 2007/09/19/3140. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to continue the matter to February 13, 2008, with the public hearing closed, and for DBI to have time to review the project.

SPEAKERS: Spencer Gosh, DBI; Robert Tracy, appellant; Leo Portal, permit holder.

PUBLIC COMMENT: Joseph Camhi and Silvia Johnson spoke in favor of the appellant.

(7) **APPEAL NO. 07-187**

DALE GUTIERREZ & JOHN ENGDAHL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2138 – 26th Avenue. Protesting the issuance on Sept. 18, 2007, to Jin Hua Cai, Permit to Alter a Building (on single-family house: construct new deck with staircase at rear of building; size approx. 19' X 4'). APPLICATION NO. 2007/09/18/2928. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5 – 0 to uphold the permit on condition that the deck be reduced from 19 feet to 16 feet (1.5 foot reduction from each side property line), that deck pickets be 4 inches apart, and that the debris will be removed within one (1) week of release of Notice of Decision.

SPEAKERS: Dale Gutierrez, co-appellant; Christine Lei, agent for permit holder; Spencer Gosh, DBI.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 07-189**

ROBERT EASTMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	119 Gates Street. Protesting the issuance on Oct. 3, 2007, to Jacqueline McLaughlin, Site Permit to Alter a Building (on single-family house: finish existing unfinished basement; expand existing bath at first level; construct new deck at first and second levels at rear; new patio at existing back yard; new patio doors at new deck – rear yard). APPLICATION NO. 2006/12/20/0258S. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to continue the matter to February 13, 2008, to allow time for parties to seek a settlement, and with the public hearing closed.

SPEAKERS: Robert Eastman, appellant; Gita Dev, agent for appellant; David Cumby, agent for permit holder; Spencer Gosh, DBI.

PUBLIC COMMENT: Tim Martin spoke in favor of the appellant. The following people spoke in favor of the permit holder: Jeffrey Maddox, Kevin Flood, and Jacqueline McLaughlin.

(9) **APPEAL NO. 07-190**

SO LONG PHUONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	249-251 Onondaga Avenue. Protesting the issuance on Oct. 2, 2007, to Theresa Marshall, Site Permit to Alter a Building (on single-family house: construct new 1,300sf apartment at existing second floor and deck; strengthen existing structural construction; add new skylight). APPLICATION NO. 2006/07/31/8086S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Albright, the Board voted 3 – 2 (Comm. Knox and Comm. Haaland dissented) to uphold the permit.

SPEAKERS: So Long Phuong, appellant; Edward Chu, translator; Theresa Marshall, permit holder; Scott Sanchez, PD; John Schlenke, agent for permit holder.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 07-196**

JOHNSON YOU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	245 Clement Street. Appealing a Notice of Violation dated Sept. 28, 2007, addressed to Johnson You, regarding an unauthorized independent massage establishment use at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to April 2, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) **APPEAL NO. V07-214**

DOLORES ST. HOLDINGS LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1266B Dolores Street. Appealing the denial on Nov. 9, 2007, of Rear Yard Variance (reconstruct a non-conforming two-story rear portion of the building which was demolished during remodeling). VARIANCE CASE NO. 2007.1102V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5 – 0 to uphold the variance denial.

SPEAKERS: Larry Badiner, ZA; Lu Blazej; agent for appellant, Spencer Gosh, DBI; Jeffrey Maddox, agent for appellant, Vincent Tomera, agent for appellant; Chris Esler, agent for appellant; Rene Peinado, agent for appellant.

PUBLIC COMMENT: The following people spoke in favor of the ZA: Jeff Berry, Mark Follman, Robert Gluck, Silvia Johnson, and Cindy Ossias.

There being no further business, President Garcia adjourned the meeting at 10:13 p.m.

February 06, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 6, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **SPECIAL ITEM:**

Discussion and possible action to approve job description for Executive Director of Board of Appeals. Explanatory documents (draft job descriptions) are available for review at the Board office.

(4) **ADDENDUM ITEMS:**

(4a) ADOPTION OF FINDINGS:

Subject property at 4441-4445 & 4451-4455 Mission Street. Appeal Nos. 07-135, 07-149 & 07-156, decided Dec. 12, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule all three Letters of Determination with adoption of findings at a later date. ZA Letters of Determination: that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one (1) inclusionary housing unit.

(5) **APPEAL NO. 07-048**

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, which revokes BPA No. 2004/12/16/1565 for the reason that an unlawful residential demolition took place at the subject property. PUBLIC HEARINGS HELD & CLOSED ON JUNE 20, 2007 & JAN 23, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow additional time for appellant to seek a settlement with adjacent neighbors.**

(6) **APPEAL NO. 07-172**

KENNETH MUIR & MARGARET RUEGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1616 Taylor Street. Protesting the issuance on September 4, 2007, to NVI Investments, Permit to Alter a Building (on 11-unit apartment building: install solar hot water system; comply with complaint No. 200719654). APPLICATION NO. 2007/09/04/1620. PUBLIC HEARING HELD & CLOSED ON DEC. 12, 2007. FOR FURTHER CONSIDERATION TODAY **Note: Matter continued to allow time for parties to submit additional documents pursuant to the Board's comments.**

(7) **APPEAL NO. 07-211**

SIU WAN TAM LAM, Appellant(s) vs. DEPT OF BUILDING INSPECTION, Respondent PLANNING DEPT APPROVAL	859 Vallejo Street. Appealing the imposition of penalty on Nov. 2, 2007, for work done without a permit (remove living units in garage and basement in order to correct NOV No. 200705622). APPLICATION NO. 2007/10/25/6447. FOR HEARING TODAY.

(8) **APPEAL NO. 07-210**

JENKEN JAY, Appellant(s) vs DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT APPROVAL	930 Pacific Avenue. Protesting the issuance on October 17, 2007, to Mak Family Trust, Permit to Alter a Building (on eight-unit apartment building: installation of iron sliding gate and fence at rear side of property). APPLICATION NO. 2007/10/16/5538. FOR HEARING TODAY.

(9) **APPEAL NO. 07-213**

PAUL WEAVER & 1407 MONTGOMERY STREET HOME OWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1420 Montgomery Street. Protesting the issuance on Oct. 29, 2007, to Alan Steremberger, Permit to Alter a Building (on four-unit apartment building: add 4 x 12 roof top blocking for support of future PV panels; roof deck railing under separate permit; revision to BPA No. 2006/10/19/5499). APPLICATION NO. 2007/10/29/6741. FOR HEARING TODAY.

(10) **APPEAL NO. 07-215**

JACK YEE MAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	2348 – 9th Avenue. Appealing the denial on Nov. 8, 2007, of Permit to Alter a Building (on single-family house: add new family room and sun room/green house; clear NOV No. 200677612). APPLICATION NO. 2007/02/09/3797S. FOR HEARING TODAY.

(11) **APPEAL NO. V07-216**

DIMAS & BLANCA OLIVA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	230 Rhine Street. Appealing the denial on Nov. 9, 2007, of Rear Yard Variance (legalize "as built" vertical and horizontal addition to the detached garage structure at the rear of the lot, and remove the illegal dwelling unit within). VARIANCE CASE NO. 2006.0753V. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted **February 1, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
KATHARINE ALBRIGHT	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 6, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Katharine Albright, Commissioner Frank Fung, Commissioner Robert Haaland, Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Joel Case, Official Court Reporter.

2/08

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SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **SPECIAL ITEM:**

Discussion and possible action to approve job description for Executive Director of Board of Appeals. Explanatory documents (draft job descriptions) are available for review at the Board office.

ACTION: Rescheduled to February 13, 2008.

(4) ADDENDUM ITEMS:

(4a) ADOPTION OF FINDINGS:

Subject property at 4441-4445 & 4451-4455 Mission Street. Appeal Nos. 07-135, 07-149 & 07-156, decided Dec. 12, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule all three Letters of Determination with adoption of findings at a later date. ZA Letters of Determination: that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one (1) inclusionary housing unit.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to reschedule the matter to February 13, 2008.

SPEAKERS: Brett Gladstone, attorney for appellant; Sia Tahbazof, appellant.

PUBLIC COMMENT: Eric Wong spoke in favor of the appellant.

(5) **APPEAL NO. 07-048**

EDWARD IP, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	834 – 44th Avenue. Appealing a Notice of Decision by the Director of the Dept. of Building Inspection, dated April 11, 2007, which revokes BPA No. 2004/12/16/1565 for the reason that an unlawful residential demolition took place at the subject property. PUBLIC HEARINGS HELD & CLOSED ON JUNE 20, 2007 & JAN. 23, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow additional time for appellant to seek a settlement with adjacent neighbors.**

ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to uphold the revocation, and uphold the NOD.

SPEAKERS: Heston Chau, agent for appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: Helen Tam and Cerise Cheng spoke in favor of the DBI.

(6) **APPEAL NO. 07-172**

KENNETH MUIR & MARGARET RUEGER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1616 Taylor Street. Protesting the issuance on September 4, 2007, to NVI Investments, Permit to Alter a Building (on 11-unit apartment building: install solar hot water system; comply with complaint No. 200719654). APPLICATION NO. 2007/09/04/1620. PUBLIC HEARING HELD & CLOSED ON DEC. 12, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to submit additional documents pursuant to the Board's comments.**

ACTION: Matter withdrawn by the appellants.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 07-211**

SIU WAN TAM LAM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	859 Vallejo Street. Appealing the imposition of penalty on Nov. 2, 2007, for work done without a permit (remove living units in garage and basement in order to correct NOV No. 200705622). APPLICATION NO. 2007/10/25/6447. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to reduce the penalty to two (2) times the regular fee.

SPEAKERS: DBI consented to the reduction.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 07-210**

JENKEN JAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	930 Pacific Avenue. Protesting the issuance on October 17, 2007, to Mak Family Trust, Permit to Alter a Building (on eight-unit apartment building: installation of iron sliding gate and fence at rear side of property). APPLICATION NO. 2007/10/16/5538. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to uphold the permit on condition that the fence and gate be set back four (4) feet – two (2) inches from the side property line, in conformance with the Board of Supervisor's resolution.

SPEAKERS: Alex Weyand, attorney for appellant; Ken Chan, attorney for permit holder; Lai Yee Mak, agent for permit holder; Scott Sanchez, PD; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 07-213**

PAUL WEAVER & 1407 MONTGOMERY STREET HOME OWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1420 Montgomery Street. Protesting the issuance on Oct. 29, 2007, to Alan Steremberger, Permit to Alter a Building (on four-unit apartment building: add 4 x 12 roof top blocking for support of future PV panels; roof deck railing under separate permit; revision to BPA No. 2006/10/19/5499). APPLICATION NO. 2007/10/29/6741. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to reschedule the matter to April 9, 2008.

SPEAKERS: Sara Schuegler, agent for appellant; Jeremy Paul, agent for permit holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 07-215**

JACK YEE MAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	2348 – 9th Avenue. Appealing the denial on Nov. 8, 2007, of Permit to Alter a Building (on single-family house: add new family room and sun room/green house; clear NOV No. 200677612). APPLICATION NO. 2007/02/09/3797S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to overrule the denial, grant the permit, with findings and revised plans to be adopted at a later date.

SPEAKERS: Brett Gladstone, attorney for appellant; Scott Sanchez, PD; Cecilia Jarowslaski; PD; Susan Mar (through translator Diana Mar) wife of appellant.

PUBLIC COMMENT: Brewster Fong and Stephen Halpern spoke in favor of the Planning Commission; Gary Bell spoke in favor of the appellant.

(11) **APPEAL NO. V07-216**

DIMAS & BLANCA OLIVA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	230 Rhine Street. Appealing the denial on Nov. 9, 2007, of Rear Yard Variance (legalize "as built" vertical and horizontal addition to the detached garage structure at the rear of the lot, and remove the illegal dwelling unit within). VARIANCE CASE NO. 2006.0753V. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to overrule the denial, grant the variance, with adoption of findings at a later date.

SPEAKERS: Scott Sanchez, PD; Diana Oliva, daughter of appellants; Dimas Oliva, co-appellant.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 8:35 p.m.

February 13, 2008 (Amended)

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AMENDED AGENDA – REGULAR MEETING – FEBRUARY 13, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **CLOSED SESSION FOR PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

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(4) **SPECIAL ITEM:**

Discussion and possible action to approve job description for Executive Director of Board of Appeals. Explanatory documents (draft job descriptions) are available for review at the Board office.

(5) **SPECIAL ITEM:**

Public hearing to discuss and possibly approve amendments to Board rules. Current version of Board rules are available for review at the Board office, and on the Board website under the link entitled "About". Discussion draft of amendments is anticipated to be available by Friday February 8, 2008 at the Board office.

(6) **ADDENDUM ITEMS:**

(6a) **REHEARING REQUEST:**

Subject property at 491 Bayshore Blvd. Letter from Sue Hestor, attorney for Mike Boss, appellant, requesting rehearing of Appeal No. 07-194, Boss vs. DBI, PDA, decided Jan. 16, 2008. At that time, upon motion by President Garcia, the Board voted 3-1-1 (Commissioner Haaland dissented, Commissioner Fung absent) to uphold the subject permit. Afterwards, upon motion by President Garcia, the Board voted 3-1-1 (Commissioner Haaland dissented, Commissioner Fung absent) to adopt the findings as prepared by the permit holder's attorney, with amendments. Permit Holder: Bayshore One LLC. Project: construct a two-story retail building with 111,719sf of ground floor area; BPA No. 2001/04/09/6352S

(6b) **ADOPTION OF FINDINGS:**

Subject property at 4441-4445 & 4451-4455 Mission Street. Appeal Nos. 07-135, 07-149 & 07-156, decided Dec. 12, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule all three Letters of Determination with adoption of findings at a later date. ZA Letters of

Determination: that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one (1) inclusionary housing unit.

(7) **APPEAL NO. 07-186**

ROBERT TRACY, Appellant(s) vs DEPT OF BUILDING INSPECTION, Respondent	3816- 21st Street. Protesting the issuance on Oct. 1, 2007, to Leo Portal, Permit to Alter a Building (on single-family house: install spiral stair; no structural changes or modification to existing 5' X 5' opening). APPLICATION NO. 2007/09/19/3140. PUBLIC HEARING HELD & CLOSED ON JAN. 30, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for DBI to review the project.**

(8) **APPEAL NO. 07-189**

ROBERT EASTMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	119 Gates Street. Protesting the issuance on Oct. 3, 2007, to Jacqueline McLaughlin, Site Permit to Alter a Building (on single-family house: finish existing unfinished basement; expand existing bath at first level; construct new deck at first and second levels at rear; new patio at existing back yard; new patio doors at new deck – rear yard). APPLICATION NO. 2006/12/20/0258S. PUBLIC HEARING HELD & CLOSED ON JAN. 30, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for parties to negotiate a settlement.**

(9) **APPEAL NO. 07-217**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	9 Douglass Street. Protesting the issuance on Nov. 8, 2007, to Lawrence Nathanson, Permit to Alter a Building (on single-family house: vertical addition to rear portion of house for new master bedroom suite; interior renovation). APPLICATION NO. 2007/01/11/1515S. FOR HEARING TODAY.

(10) **APPEAL NO. 07-218**

CONCERNED NEIGHBORS OF INGLESIDE TERRACE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	349 Urbano Drive. Protesting the issuance on Nov. 8, 2007, to S. Nguyen, Permit to Alter a Building (on single-family house: comply with NOV No. 200724373; revision to BPA No. 2007/09/18/2962; repair walls, dry rot; replace roof framing per plans; replace stairs -- dry rot per plans; driveway repairs; new roof). APPLICATION NO. 2007/11/07/7492. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted. **February 7, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
KATHARINE ALBRIGHT	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – FEBRUARY 13, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Katharine Albright, Commissioner Frank Fung, Commissioner Robert Haaland, Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosch, Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Joel Case, Official Court Reporter.

13/08

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **CLOSED SESSION FOR PUBLIC EMPLOYEE PERFORMANCE EVALUATION:**

A. Public comment on all matters pertaining to this closed session.

B. Closed session. Routine performance evaluation of Interim Department Head, Victor Pacheco (CA Gov't Code § 54957 and SF Admin Code § 67.10).

C. Open session. Reconvene in open session. Motion and vote whether to exercise discretion either (1) not to disclose or (2) to disclose any non-confidential portion of the closed session discussion (SF Admin Code § 67.12(a)).

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to enter into closed session. Afterwards, upon motion by Vice President Albright, the Board voted 5 – 0 to not disclose conversations.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM:**

Discussion and possible action to approve job description for Executive Director of Board of Appeals. Explanatory documents (draft job descriptions) are available for review at the Board office.

ACTION: Rescheduled to February 20, 2008.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **SPECIAL ITEM:**

Public hearing to discuss and possibly approve amendments to Board rules. Current version of Board rules are available for review at the Board office, and on the Board website under the link entitled "About". Discussion draft of amendments is anticipated to be available by Friday February 8, 2008 at the Board office.

ACTION: Rescheduled to February 20, 2008.

SPEAKERS: Sue Hestor.

PUBLIC COMMENT: None.

(6) **ADDENDUM ITEMS:**

(6a) **REHEARING REQUEST:**

Subject property at 491 Bayshore Blvd. Letter from Sue Hestor, attorney for Mike Boss, appellant, requesting rehearing of Appeal No. 07-194, Boss vs. DBI, PDA, decided Jan. 16, 2008. At that time, upon motion by President Garcia, the Board voted 3-1-1 (Commissioner Haaland dissented, Commissioner Fung absent) to uphold the subject permit. Afterwards, upon motion by President Garcia, the Board voted 3-1-1 (Commissioner Haaland dissented, Commissioner Fung absent) to adopt the findings as prepared by the permit holder's attorney, with amendments. Permit Holder: Bayshore One LLC. Project: construct a two-story retail building with 111,719sf of ground floor area; BPA No. 2001/04/09/6352S.

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Haaland dissented) to deny the rescheduling request. Afterwards, upon motion by Vice President Albright, the Board voted 4 – 1 (Commissioner Haaland dissented) to deny the rehearing request.

SPEAKERS: Sue Hestor, attorney for appellant; Anna Shimko, attorney for permit holder.

PUBLIC COMMENT: Faith Kirkpatrick spoke in favor of the appellant; Angelo King spoke in favor of the permit holder.

(6b) **ADOPTION OF FINDINGS:**

Subject property at 4441-4445 & 4451-4455 Mission Street. Appeal Nos. 07-135, 07-149 & 07-156, decided Dec. 12, 2007. At that time, upon motion by Vice President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to overrule all three Letters of Determination with adoption of findings at a later date. ZA Letters of Determination: that the applications for development at the subject property continue to comprise a single housing project and as such, is subject to the inclusionary housing requirements of the Planning Code, and that this project is required to provide a minimum of one (1) inclusionary housing unit.

ACTION: Upon motion by Commissioner Knox, the Board voted 4 – 1 (Commissioner Haaland dissented) to adopt the findings (2nd draft).

SPEAKERS: Tuija Catalano, attorney for appellant; Brett Gladstone, attorney for appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 07-186**

ROBERT TRACY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3816- 21st Street. Protesting the issuance on Oct. 1, 2007, to Leo Portal, Permit to Alter a Building (on single-family house: install spiral stair; no structural changes or modification to existing 5' X 5' opening). APPLICATION NO. 2007/09/19/3140. PUBLIC HEARING HELD & CLOSED ON JAN. 30, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for DBI to review the project.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Vice President Albright absent) to continue the matter to May 14, 2008, to allow time for the permit holder to file for a consolidation permit for the entire project.

SPEAKERS: Spencer Gosch, DBI; John Pollard, agent for permit holder; Robert Tracy, appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 07-189**

ROBERT EASTMAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	119 Gates Street. Protesting the issuance on Oct. 3, 2007, to Jacqueline McLaughlin, Site Permit to Alter a Building (on single-family house: finish existing unfinished basement; expand existing bath at first level; construct new deck at first and second levels at rear; new patio at existing back yard; new patio doors at new deck – rear yard). APPLICATION NO. 2006/12/20/0258S. PUBLIC HEARING HELD & CLOSED ON JAN. 30, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for parties to negotiate a settlement.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3 – 1 – 1 (Commissioner Haaland dissented; Vice President Albright absent) to uphold the permit.

SPEAKERS: Gita Dev, agent for appellant; David Cumby, agent for permit holder.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 07-217**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	9 Douglass Street. Protesting the issuance on Nov. 8, 2007, to Lawrence Nathanson, Permit to Alter a Building (on single-family house: vertical addition to rear portion of house for new master bedroom suite; interior renovation). APPLICATION NO. 2007/01/11/1515S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Albright, the Board voted 5 – 0 to reschedule the matter to Call of the Chair pending the outcome of the CEQA appeal at the Board of Supervisors.

SPEAKERS: Stephen Williams, attorney for appellant; Lawrence Nathanson, permit holder.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 07-218**

CONCERNED NEIGHBORS OF INGLESIDE TERRACE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	349 Urbano Drive. Protesting the issuance on Nov. 8, 2007, to S. Nguyen, Permit to Alter a Building (on single-family house: comply with NOV No. 200724373; revision to BPA No. 2007/09/18/2962; repair walls, dry rot; replace roof framing per plans; replace stairs – dry rot per plans; driveway repairs; new roof). APPLICATION NO. 2007/11/07/7492. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Vice President Albright absent) to revoke the permit with a finding that the permit was issued in error due to lack of Planning Code, §311 notice, and due to inaccurate drawings.

SPEAKERS: Suzanne McDonnell, agent for appellant; Steve Williams, attorney for permit holder; Scott Sanchez, PD; Spencer Gosch, DBI.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Ellen Sandler, Richard Webb, Norman Meunier, and Jim Schneider.

There being no further business, President Garcia adjourned the meeting at 8:35 p.m.

February 20, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, FEBRUARY 20, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **SPECIAL ITEM:**

Discussion and possible action to approve job description for Executive Director of Board of Appeals. Explanatory documents (draft job descriptions) are available for review at the Board office. **Note: matter continued from February 13, 2008.**

(4) **SPECIAL ITEM:**

Public hearing to discuss and possibly approve amendments to Articles IV and V of the Board rules to (1) designate the SFGTV recording as the Board's official record and (2) amend and clarify briefing rights and schedules. Current version of Board rules are available for review at the Board office, and on the Board website under the link entitled "About". Proposed amendments are available at the Board office. **Note: matter continued from February 13, 2008.**

(5) **ADOPTION OF BUDGET:**

Discussion and possible action to adopt a departmental budget for FY 2008-2009 which begins on July 1, 2008.

(6) **ADDENDUM ITEMS:**

(6a) **REHEARING REQUEST:**

Subject property at 1266B Dolores Street. Letter from Lu Blazej, agent for Dolores Street Holdings LLC, appellant, requesting rehearing of Appeal No. V07-214, decided Jan. 30, 2008. At that time, upon motion by Commissioner Knox, the Board voted 5-0 to uphold the denial of the subject variance. Project. reconstruct a non-conforming two-story rear portion of the building which was demolished during remodeling; variance case no. 2007.1102V.

(6b) **REHEARING REQUEST:**

Subject property at 845-855 Hudson Avenue. Letter from Brendan Bannon, agent for JJ Wintersteen, permit holder, requesting rehearing of Appeal No. 07-208, decided Jan. 23, 2008. At that time, upon motion by Vice President Albright, the Board voted 5-0 to revoke the permit with a finding that the Board lacks jurisdiction over the permit due to the Interim Zoning Controls which currently require a Conditional Use Authorization for this type of project. Appellant: India Basin Neighborhood Association.

Project. construct new temporary metal canopies for welding and storage purposes; metal fabrication on an empty lot; two metal structures 15' X 45' and 20' X 54' in size; BPA No. 2007/10/16/5543.

(7) **APPEAL NO. 07-179**

ABEL & ELIANA MALDONADO, Appellant(s) vs.	450 Hamilton Street. Appealing the denial on Sept. 26, 2007, of Permit to Alter a Building (on single-family house: removal of conditions placed on BPA No. 2002/02/05/8561S as part

DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	of Appeal No. 03-140). APPLICATION NO. 2007/06/11/3512. PUBLIC HEARING HELD & CLOSED ON DEC. 19, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the Planning Dept. to re-review the proposed project.**

(8) **APPEAL NO. 08-018**

SANDEEP HINGORANI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING Respondent	455 Vallejo Street. Protesting the issuance on Feb. 6, 2008, to Sheedy Crane & Rigging, Temporary Occupancy Permit (placement of crane at subject property occupying 1500LF on Vallejo Street and 200LF on each side of Kearny Street). PERMIT NO. 08TOC-0111. FOR HEARING TODAY.

ITEMS (9A), (9B), (9C), (9D), (9E) & (9F) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 05-115**

ANDRE MANDEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #7. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-116**

LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #1. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.

(9C) **APPEAL NO. 05-117**

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.

(9D) **APPEAL NO. 05-118**

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5703. FOR HEARING TODAY.

(9E) **APPEAL NO. 05-139**

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10, 2005. FOR HEARING TODAY.

(9F) **APPEAL NO. 05-140**

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.

(10) **APPEAL NO. V05-129**

ARZA TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2642-2644 Hyde Street. Protesting the granting on July 13, 2005, to Billie Cayot, Rear Yard & Non-Complying Structure Variances (replace an existing 2nd floor balcony within the required rear yard of the existing two-family structure; the cantilevered balcony would be approximately 12 feet wide, 3 feet deep, and set back approximately 5 feet from each side property line). VARIANCE CASE NO. 2004.1312V. FOR HEARING TODAY. **Note: On Sept. 7, 2005, the Board voted to reschedule this matter to Call of Chair pending final resolution of the Cat Ex appeal at the BOS.**

(11) **APPEAL NO. 07-169**

RE-LEAF CENTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2980 – 21st Street. Appealing a Notice of Violation dated August 24, 2007, addressed to Edward Schmitt and the Re-Leaf Center,that the medical cannabis dispensary use at the subject property is not permitted because it lies within a residential zoning district. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **February 15, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
KATHARINE ALBRIGHT	VICE PRESIDENT
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, FEBRUARY 20, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Katharine Albright, Commissioner Frank Fung, Commissioner Randall Knox.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Easteller Bruihl, Official Court Reporter.

ABSENT: Commissioner Robert Haaland.

20/08

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: David Pilpel.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **SPECIAL ITEM:**

Discussion and possible action to approve job description for Executive Director of Board of Appeals. Explanatory documents (draft job descriptions) are available for review at the Board office. **Note: matter continued from February 13, 2008.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to adopt the job description as amended.

SPEAKERS: David Pilpel.

PUBLIC COMMENT: None.

(4) **SPECIAL ITEM:**

Public hearing to discuss and possibly approve amendments to Articles IV and V of the Board rules to (1) designate the SFGTV recording as the Board's official record and (2) amend and clarify briefing rights and schedules. Current version of Board rules are available for review at the Board office, and on the Board website under the link entitled "About". Proposed amendments are available at the Board office. **Note: matter continued from February 13, 2008.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to adopt the rule change on briefing schedule, Article V.

SPEAKERS: David Pilpel.

PUBLIC COMMENT: None.

(5) **ADOPTION OF BUDGET:**

Discussion and possible action to adopt a departmental budget for FY 2008-2009 which begins on July 1, 2008.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to adopt the proposed budget.

SPEAKERS: David Pilpel.

PUBLIC COMMENT: None.

(6) **ADDENDUM ITEMS:**

(6a) **REHEARING REQUEST:**

Subject property at 1266B Dolores Street. Letter from Lu Blazej, agent for Dolores Street Holdings LLC, appellant, requesting rehearing of Appeal No. V07-214, decided Jan. 30, 2008. At that time, upon motion by Commissioner Knox, the Board voted 5-0 to uphold the denial of the subject variance. Project: reconstruct a non-conforming two-story rear portion of the building which was demolished during remodeling; variance case no. 2007.1102V.

ACTION: Upon motion by Vice President Albright, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to deny the rehearing request.

SPEAKERS: Lu Blazej, agent for appellant; Scott Sanchez, PD.

PUBLIC COMMENT: Jeff Benny and Mark Follman spoke in favor of the Zoning Administrator.

(6b) **REHEARING REQUEST:**

Subject property at 845-855 Hudson Avenue. Letter from Brendan Bannon, agent for JJ Wintersteen, permit holder, requesting rehearing of Appeal No. 07-208, decided Jan. 23, 2008. At that time, upon motion by Vice President Albright, the Board voted 5-0 to revoke the permit with a finding that the Board lacks jurisdiction over the permit due to the Interim Zoning Controls which currently require a Conditional Use Authorization for this type of project. Appellant: India Basin Neighborhood Association. Project: construct new temporary metal canopies for welding and storage purposes; metal fabrication on an empty lot; two metal structures 15' X 45' and 20' X 54' in size; BPA No. 2007/10/16/5543.

ACTION: Upon motion by Vice President Albright, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to grant the rehearing request; and appellant subsequently handed in a withdrawal letter.

SPEAKERS: Kristine Enea, agent for appellant; Brendan Bannon, agent for permit holder.

PUBLIC COMMENT: John O'Connor spoke in favor of the permit holder.

(7) **APPEAL NO. 07-179**

ABEL & ELIANA MALDONADO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	450 Hamilton Street. Appealing the denial on Sept. 26, 2007, of Permit to Alter a Building (on single-family house: removal of conditions placed on BPA No. 2002/02/05/8561S as part of Appeal No. 03-140). APPLICATION NO. 2007/06/11/3512. PUBLIC HEARING HELD & CLOSED ON DEC. 19, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the Planning Dept. to re-review the proposed project.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to overrule the denial and grant the permit which removes the conditions placed by the Board of Appeals on BPA 2002/02/05/8561 on the condition that BPA 2002/02/05/8561 be modified in accordance with revised plans dated February 11, 2008 with the finding that the said revised plans allow a two story addition that will extend beyond the existing building no more than five (5) feet six (6) inches, that will not allow a parapet wall at the roof, that will only allow one (1) bathroom on the interior ground floor, that will prohibit exterior doors on the north and south sides of the existing building and proposed addition, except for possibly a pre-existing door at the garage; the Board also finds the Planning Dept. and neighbors support the project as revised.

SPEAKERS: Scott Sanchez, PD; Michael Harris, agent for appellants.

PUBLIC COMMENT: Ron Parshall spoke in favor of the appellants.

(8) **APPEAL NO. 08-018**

SANDEEP HINGORANI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING Respondent	455 Vallejo Street. Protesting the issuance on Feb. 6, 2008, to Sheedy Crane & Rigging, Temporary Occupancy Permit (placement of crane at subject property occupying 1500LF on Vallejo Street and 200LF on each side of Kearny Street). PERMIT NO. 08TOC-0111. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to March 5, 2008, so that DPW BSM can attend the hearing.

SPEAKERS: Richard Battaini, agent for permit holder; Curtis Smolar, agent for permit holder.

PUBLIC COMMENT: Louise Laub spoke in favor of the appellant.

ITEMS (9A), (9B), (9C), (9D), (9E) & (9F) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 05-115**

ANDRE MANDEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #7. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.

(9B) **APPEAL NO. 05-116**

LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #1. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.

(9C) **APPEAL NO. 05-117**

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.

(9D) **APPEAL NO. 05-118**

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5703. FOR HEARING TODAY.

(9E) **APPEAL NO. 05-139**

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10, 2005. FOR HEARING TODAY.

(9F) **APPEAL NO. 05-140**

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matters to May 14, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. V05-129**

ARZA TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2642-2644 Hyde Street. Protesting the granting on July 13, 2005, to Billie Cayot, Rear Yard & Non-Complying Structure Variances (replace an existing 2nd floor balcony within the required rear yard of the existing two-family structure; the cantilevered balcony would be approximately 12 feet wide, 3 feet deep, and set back approximately 5 feet from each side property line). VARIANCE CASE NO. 2004.1312V. FOR HEARING TODAY. **Note: On Sept. 7, 2005, the Board voted to reschedule this matter to Call of Chair pending final resolution of the Cat Ex appeal at the BOS.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the variance.

SPEAKERS: Scott Sanchez, PD; Edgar Brincat, agent for appellant; Robert Middlestadt, agent for variance holder; Ellen Tsang, agent for appellant.

PUBLIC COMMENT: Phil Fernandez spoke in favor of the ZA; Betsy Liu spoke in favor of the appellant.

(11) **APPEAL NO. 07-169**

RE-LEAF CENTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2980 – 21st Street. Appealing a Notice of Violation dated August 24, 2007, addressed to Edward Schmitt and the Re-Leaf Center, that the medical cannabis dispensary use at the subject property is not permitted because it lies within a residential zoning district. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to March 12, 2008, with no further reschedulings.

SPEAKERS: Scott Sanchez, PD.

PUBLIC COMMENT: Soren Ragsdale spoke in favor of the ZA.

There being no further business, President Garcia adjourned the meeting at 8:17 p.m.

Board of Appeals

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February 27, 2008 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for February 27, 2008. The next regular meeting is scheduled for **Wednesday, March 5, 2008, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Feb. 22, 2008**

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March 05, 2008

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 5, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **REHEARING REQUEST:**

Subject property at 2283-2297 Market Street. Letter from Ken Finney, attorney for Clear Channel Outdoor, permit holder, requesting rehearing of Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828. **Note: If this Rehearing Request is granted, then Item 3b, Adoption of Findings for 07-075, shall be moot, and will not be considered by the Board.**

(3b) ADOPTION OF FINDINGS:

Subject property at 2283-2297 Market Street. Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828.

(3c) ADOPTION OF FINDINGS:

Subject property at 1801 Turk Street. Appeal No. 07-128, Erkelens vs. DBI, PDA, decided Dec. 12, 2007, At that time, upon motion by Commissioner Fung, the Board voted 5-0 to revoke the subject permit with a finding that the building permit application had faulty representations, with further findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on 21-unit apartment building, voluntary removal, razing and demolition of non-conforming, non-complying general advertising sign per plans; BPA No. 2007/06/28/5493.

(4) **APPEAL NO. 08-018**

SANDEEP HINGORANI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING Respondent	455 Vallejo Street. Protesting the issuance on Feb. 6, 2008, to Sheedy Crane & Rigging, Temporary Occupancy Permit (placement of crane at subject property occupying 1500LF on Vallejo Street and 200LF on each side of Kearny Street). PERMIT NO. 08TOC-0111. PUBLIC HEARING HELD & CLOSED ON FEBRUARY 20, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow DPW BSM representatives to attend the hearing.**

(5) **APPEAL NO. 07-185**

KEN ESTES, Appellent(s) vs. DEPT OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	722 Columbus Avenue. Appealing the denial on Sept. 17, 2007, of Permit to Alter a Building (on 12-unit apartment / office building: upgrade restroom to be Title 24 compliant; and legalize existing medical cannabis dispensary use). APPLICATION NO. 2007/02/06/3529. PUBLIC HEARING HELD & CLOSED ON DEC. 19, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant and Planning Dept. to submit additional documents pursuant to the Board's comments.**

(6) **APPEAL NO. 07-230**

KEITH FOOTE, Appellant(s) vs DEPT OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1884 San Jose Avenue. Protesting the issuance on Dec. 20, 2007, of Permit to Remove One (1) Tree. ORDER NO. 177,286. FOR HEARING TODAY.

(7) **APPEAL NO. 07-228**

ROSS MOORE & EARL STOKES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	377 Cumberland Street. Protesting the issuance on Dec. 7, 2007, to Lindy Joffe, Permit to Alter a Building (on single-family house: construct deck at rear of property; replace fence; and construct garden shed). APPLICATION NO. 2007/12/07/9980. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **Feb. 28, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	**PRESIDENT**
KATHARINE ALBRIGHT	**VICE PRESIDENT**
FRANK FUNG	**COMMISSIONER**
ROBERT HAALAND	**COMMISSIONER**
RANDALL KNOX	**COMMISSIONER**

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 5, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Commissioner Frank Fung, Commissioner Randall Knox; Commissioner Robert Haaland, Commissioner Tanya Peterson.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forrester, Dept. of Public Works, Bureau of Urban Forestry (DPW BUF); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Virginia O'Rear, Official Court Reporter.

3/08

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: The Board said goodbye to Commissioner Katharine Albright, who was replaced by Commissioner Tanya Peterson.

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(3) ADDENDUM ITEMS:

(3a) **REHEARING REQUEST:**

Subject property at 2283-2297 Market Street. Letter from Ken Finney, attorney for Clear Channel Outdoor, permit holder, requesting rehearing of Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828. **Note: If this Rehearing Request is granted, then Item 3b, Adoption of Findings for 07-075, shall be moot, and will not be considered by the Board.**

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to March 19, 2008.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3b) **ADOPTION OF FINDINGS:**

Subject property at 2283-2297 Market Street. Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to March 19, 2008.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3c) **ADOPTION OF FINDINGS:**

Subject property at 1801 Turk Street. Appeal No. 07-128, Erkelens vs. DBI, PDA, decided Dec. 12, 2007, At that time, upon motion by Commissioner Fung, the Board voted 5-0 to revoke the subject permit with a finding that the building permit application had faulty representations, with further findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on 21-unit apartment building, voluntary removal, razing and demolition of non-conforming, non-complying general advertising sign per plans; BPA No. 2007/06/28/5493.

ACTION: Upon motion by Commissioner Fung, the Board voted 5 – 0 to reschedule the matter to March 19, 2008.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 08-018**

SANDEEP HINGORANI, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING Respondent	455 Vallejo Street. Protesting the issuance on Feb. 6, 2008, to Sheedy Crane & Rigging, Temporary Occupancy Permit (placement of crane at subject property occupying 1500LF on Vallejo Street and 200LF on each side of Kearny Street). PERMIT NO. 08TOC-0111. PUBLIC HEARING HELD & CLOSED ON FEBRUARY 20, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow DPW BSM representatives to attend the hearing.**

ACTION: Upon motion by Commissioner Peterson, the Board voted 5 – 0 to uphold the permit with revised plans dated March 5, 2008 which reflect an eleven (11) foot path of travel during the day, and an eighteen (18) foot path of travel at night.

SPEAKERS: Louise Laub, agent for appellant; Nick Elsner, DPW BSM; Brian Dusseault, MTA; Richard Battaini, agent for permit holder.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 07-185**

KEN ESTES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	722 Columbus Avenue. Appealing the denial on Sept. 17, 2007, of Permit to Alter a Building (on 12-unit apartment / office building: upgrade restroom to be Title 24 compliant; and legalize existing medical cannabis dispensary use). APPLICATION NO. 2007/02/06/3529. PUBLIC HEARING HELD & CLOSED ON DEC. 19, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant and Planning Dept. to submit additional documents pursuant to the Board's comments.**

ACTION: Upon motion by Commissioner Fung, the Board voted 3 – 2 (Commissioners Knox and Haaland dissented) to uphold the denial.

SPEAKERS: Scott Sanchez, PD; Brendan Hallinan, attorney for appellant; Ken Estes, appellant; Fred Crisp, SFPD.

PUBLIC COMMENT: The following people spoke in favor of the Planning Commission: Randal DeMartini, Brent McDonald, Alexandra Kienker, Joseph Alioto Jr., and Lynn Jefferson. The following people spoke in favor of the appellant: Michael Lohrig, Robert Limon, Noel McComas, Audrey Jamison, Thomas Phelan, Sophie Lau, Richard Barrett, Eric Davison, Jerry Manis, Alex Koka, and Terrance Hallinan.

(6) **APPEAL NO. 07-230**

KEITH FOOTE, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1884 San Jose Avenue. Protesting the issuance on Dec. 20, 2007, of Permit to Remove One (1) Tree. ORDER NO. 177,286. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 2 (Commissioners Knox and Peterson dissented) to uphold the permit.

SPEAKERS: Keith Foote, appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 07-228**

ROSS MOORE & EARL STOKES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	377 Cumberland Street. Protesting the issuance on Dec. 7, 2007, to Lindy Joffe, Permit to Alter a Building (on single-family house: construct deck at rear of property; replace fence; and construct garden shed). APPLICATION NO. 2007/12/07/9980. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 5 – 0 to reschedule the matter to March 19, 2008.

SPEAKERS: Earl Stokes, co-appellant; permit holder appeared after the case was called.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 7:55 p.m.

March 12, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 12, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **ELECTION OF VICE PRESIDENT:**

(3) **COMMISSIONERS COMMENTS & QUESTIONS:**

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3622 – 22nd Street. Building permit was issued on Jan. 4, 2008. Last day to appeal was Jan. 22, 2008. Jurisdiction request received on Feb. 19, 2008. Letter from Peter Birmingham, requestor, asking that the Board take jurisdiction over BPA No. 2007/12/19/0855. Permit Holder: Durkin Living Trust. Project: comply with NOV No. 20072411; modification to BPA No. 2004/10/04/5856; hip roof to flat at center of building; other various revisions.

(5) **APPEAL NO. 07-104**

JACOB BRETTHOLZ, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the permanent bar from grant/issuance of taxicab permit (A-card). FOR REHEARING TODAY. **Note: On Oct. 3, 2007, the Board voted 3-1-1 (RK dissented, RH absent) to uphold the Taxi Commission's decision. On Nov. 7, 2007, the Board voted 5-0 to grant the appellant's rehearing request, and to set the rehearing for Jan. 9, 2008.**

(6) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ TAXI", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. PUBLIC HEARINGS HELD & CLOSED ON OCT. 24, 2007 & JAN 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to comply with TC Rules, and to allow time for the TC to conduct one final surprise audit.**

(7) **APPEAL NO. 07-174**

JACQUES JANOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	963 North Point Street. Protesting the issuance on September 5, 2007, to IJLN Investments LLC, Site Permit to Erect a Building (four-story, two-unit building with 1,387sf of ground floor area). APPLICATION NO. 2006/10/12/4833S. PUBLIC HEARING HELD & CLOSED ON DEC 12, 2007. FOR FURTHER CONSIDERATION TODAY **Note: Matter continued to allow time for parties to negotiate the easement issue.**

(8) **APPEAL NO. 08-002**

VICTORIA ANN YOUNG, Appellant(s) vs DEPT OF BUILDING INSPECTION, Respondent	2123 – 44th Avenue. Appealing the imposition of penalty on Sept. 27, 2007, for construction work done without a permit. APPLICATION NO. 2007/09/27/3858. JURISDICTION GRANTED DEC. 19, 2007. FOR HEARING TODAY.

(9) **APPEAL NO. 07-159**

NANCY HOUSE Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	75 Folsom Street. Appealing the denial on August 31, 2007, of Permit to Alter a Building (on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units). APPLICATION NO. 2007/01/16/1750. FOR HEARING TODAY.

Note: Appeal No. 07-159 at 75 Folsom Street will be rescheduled to May 21, 2008 at the request of the appellant and with the agreement of the Planning Department.

(10) APPEAL NO. 07-169

RE-LEAF CENTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2980 – 21st Street. Appealing a Notice of Violation dated August 24, 2007, addressed to Edward Schmitt and the Re-Leaf Center, that the medical cannabis dispensary use at the subject property is not permitted because it lies within a residential zoning district. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted. **March 7, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 12, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Commissioner Frank Fung, Commissioner Randall Knox, Commissioner Tanya Peterson.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Heidi Machen, Executive Director, Taxi Commission (TC); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Virginia O'Rear, Official Court Reporter.

ABSENT: Commissioner Robert Haaland.

2/08

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) **ELECTION OF VICE PRESIDENT:**

ACTION: This matter was rescheduled to March 19, 2008.

(3) **COMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3622 – 22nd Street. Building permit was issued on Jan. 4, 2008. Last day to appeal was Jan. 22, 2008. Jurisdiction request received on Feb. 19, 2008. Letter from Peter Birmingham, requestor, asking that the Board take jurisdiction over BPA No. 2007/12/19/0855. Permit Holder: Durkin Living Trust. Project: comply with NOV No. 20072411; modification to BPA No. 2004/10/04/5856; hip roof to flat at center of building; other various revisions.

ACTION: Upon motion by President Garcia, the Board voted 3 – 1 – 1 (Commissioner Knox dissented, Commissioner Haaland absent) to deny the Jurisdiction Request.

SPEAKERS: David Tornheim, agent for requestor; Earle Weiss, agent for permit holder; Brian Soriano, attorney for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 07-104**

JACOB BRETTHOLZ, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the permanent bar from grant/issuance of taxicab permit (A-card). FOR REHEARING TODAY. **Note: On Oct. 3, 2007, the Board voted 3-1-1 (RK dissented, RH absent) to uphold the Taxi Commission's decision. On Nov. 7, 2007, the Board voted 5-0 to grant the appellant's rehearing request, and to set the rehearing for Jan. 9, 2008.**

ACTION: Upon motion by President Garcia, the Board voted 3 – 1 – 1 (Commissioner Knox dissented, Commissioner Haaland absent) to uphold the Taxi Commission's decision.

SPEAKERS: Heidi Machen, TC; Jordanna Thigpen, TC; Sgt. Ron Reynolds, SFPD; Jacob Brettholz, appellant.

PUBLIC COMMENT: Richard Hybels, Lyn Jefferson and Charles Rathbone spoke in favor of the TC.

(6) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ TAXI", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. PUBLIC HEARINGS HELD & CLOSED ON OCT. 24, 2007 & JAN. 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to comply with TC Rules, and to allow time for the TC to conduct one final surprise audit.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to April 9, 2008.

SPEAKERS: Ligia Parmenter, attorney for appellant; Heidi Machen, TC; David Basada, appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 07-174**

JACQUES JANOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	963 North Point Street. Protesting the issuance on September 5, 2007, to IJLN Investments LLC, Site Permit to Erect a Building (four-story, two-unit building with 1,387sf of ground floor area). APPLICATION NO. 2006/10/12/4833S. PUBLIC HEARING HELD & CLOSED ON DEC. 12, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to negotiate the easement issue.**

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to May 14, 2008.

SPEAKERS: Neither the appellant nor the permit holder appeared.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-002**

VICTORIA ANN YOUNG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	2123 – 44th Avenue. Appealing the imposition of penalty on Sept. 27, 2007, for construction work done without a permit. APPLICATION NO. 2007/09/27/3858. JURISDICTION GRANTED DEC. 19, 2007. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reduce the penalty to two (2) times the regular fee.

SPEAKERS: DBI consented to the reduction.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 07-159**

NANCY HOUSE Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	75 Folsom Street. Appealing the denial on August 31, 2007, of Permit to Alter a Building (on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units). APPLICATION NO. 2007/01/16/1750. FOR HEARING TODAY.

Note: Appeal No. 07-159 at 75 Folsom Street will be rescheduled to May 21, 2008 at the request of the appellant and with the agreement of the Planning Department.

ACTION: Upon motion by Commissioner Knox, the Board voted 3 – 0 – 2 (Commissioners Peterson and Haaland absent) to reschedule the matter to May 21, 2008 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 07-169**

RE-LEAF CENTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2980 – 21st Street. Appealing a Notice of Violation dated August 24, 2007, addressed to Edward Schmitt and the Re-Leaf Center, that the medical cannabis dispensary use at the subject property is not permitted because it lies within a residential zoning district. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to May 7, 2008, in order for the Office of City Attorney to render a confidential opinion on the legal issues presented in this appeal.

SPEAKERS: Scott Sanchez, PD; James Anthony, attorney for appellant.

PUBLIC COMMENT: The following people spoke in favor of the ZA: Soren Ragsdale, Kathy Buckley, Douglas Moore, and Kathryn Hill. Heidi Hanley spoke in favor of the appellant.

There being no further business, President Garcia adjourned the meeting at 8:00 pm.

March 19, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MARCH 19, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **ELECTION OF VICE PRESIDENT:**

(3) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 124-128 Fillmore Street. Appeal No. 07-074, decided Jan. 30, 2008. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to revoke the permit with findings to be adopted at a later time. Permit Holder: David Nale. Project: on three-unit apartment building; garage in rear yard; variance application filed; roof deck over garage; three-car car lift; BPA No. 2005/06/17/5345S.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 2348 – 9th Avenue. Appeal No. 07-215, decided Feb. 6, 2008. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Knox absent) to overrule the denial, and grant the permit with findings and revised plans to be adopted at a later time Appellant: Jack Yee Mar Project: on single-family house: add new family room and sun room/green house; clear NOV No. 200677612; BPA No. 2007/02/09/3797S.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 230 Rhine Street. Appeal No. V07-216, decided Feb. 6, 2008. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Knox absent) to overrule the denial, and grant the variance with findings to be adopted at a later time. Appellants: Dimas and Blanca Oliva Project: legalize "as built" vertical and horizontal addition to the detached garage structure at the rear of the lot, and remove the illegal dwelling unit within; Variance Case No. 2006.0753V.

(4d) **REHEARING REQUEST:**

Subject property at 2283-2297 Market Street. Letter from Ken Finney, attorney for Clear Channel Outdoor, permit holder, requesting rehearing of Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828 **Note: If this Rehearing Request is granted, then Item 4e, Adoption of Findings for 07-075, shall be moot, and will not be considered by the Board.**

(4e) **ADOPTION OF FINDINGS:**

Subject property at 2283-2297 Market Street. Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828.

(4f) **ADOPTION OF FINDINGS:**

Subject property at 1801 Turk Street. Appeal No. 07-128, Erkelens vs. DBI, PDA, decided Dec. 12, 2007, At that time, upon motion by Commissioner Fung, the Board voted 5-0 to revoke the subject permit with a finding that the building permit application had faulty representations, with further findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project on 21-unit apartment building, voluntary removal, razing and demolition of non-conforming, non-complying general advertising sign per plans; BPA No. 2007/06/28/5493.

(4g) **REHEARING REQUEST:**

Subject property at 2642-2644 Hyde Street. Letter from Edgar Brincat, agent for Arza Trust, appellant, requesting rehearing of Appeal No. V05-129, decided Feb. 20, 2008. At that time, upon motion by President Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject variances. Variance Holder: Billie Cayot. Project: Rear Yard & Non-Complying Structure Variances; replace an existing 2nd floor balcony within the required rear yard of the existing two-family structure; the cantilevered balcony would be approximately 12 feet wide, 3 feet deep, and set back approximately 5 feet from each side property line; Variance Case No. 2004.1312V.

(4h) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Revocation letter from Taxi Commission dated Feb. 13, 2008. Last day to appeal was Feb. 28, 2008. Jurisdiction request received on March 3, 2008. Letter from Zadik Shapiro, attorney for Grasshopper Alec Kaplan, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of Mr. Kaplan's color scheme permit, A-card (driver permit), and medallion (taxi permit).

(5) **APPEAL NO. 07-152**

SHUFEN WU & YUPING MEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1734-1740 Mason Street. Protesting the issuance on August 23, 2007, to Quan/Mason Family Ltd. Partnership, Permit to Alter a Building (on seven-unit apartment building: renewal of BPA No. 2005/11/03/7384 – revert illegal unit in basement to storage and ½ bath; no wet bar). APPLICATION NO. 2007/08/23/0753. FOR HEARING TODAY.

(6) **APPEAL NO. 07-177**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	652 Duncan Street. Protesting the issuance on September 7, 2007, to Eric Hansen, Site Permit to Alter a Building (on single-family house: horizontal addition; vertical addition; remodel kitchen; seismic improvement and general renovations). APPLICATION NO. 2005/12/23/0995S. FOR HEARING TODAY. **Note: On Dec. 12, 2007, the Board voted 5-0 to reschedule the matter to Call of Chair pending resolution of the Cat Ex appeal at the BOS.**

(7) **APPEAL NO. 07-228**

ROSS MOORE & EARL STOKES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	377 Cumberland Street. Protesting the issuance on Dec. 7, 2007, to Lindy Joffe, Permit to Alter a Building (on single-family house: construct deck at rear of property; replace fence; and construct garden shed). APPLICATION NO. 2007/12/07/9980. FOR HEARING TODAY.

(8) **APPEAL NO. 08-006**

AHMAD LARIZADEH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1875 Geary Blvd. Appealing a Letter of Determination dated Jan. 8, 2008, regarding the filling in of windows along the Geary Blvd. Frontage of the subject building. FOR HEARING TODAY.

(9) **APPEAL NO. 08-011**

FRANK COX, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	660 Kearny Street. Appealing a Letter of Determination dated Jan. 10, 2008, regarding a proposal for a 7-Eleven store with 24-hour operation at the subject property. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 14, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	COMMISSIONER
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MARCH 19, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Commissioner Frank Fung, Commissioner Randall Knox, Commissioner Tanya Peterson, Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Virginia O'Rear, Official Court Reporter.

9/08

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **ELECTION OF VICE PRESIDENT:**

ACTION: Commissioner Knox nominated Commissioner Haaland for Vice President; President Garcia nominated Commissioner Fung for Vice President. Afterwards, the Board voted 3 – 2 to elevate Commissioner Fung to Vice President.

SPEAKERS: The following people spoke in favor of Commissioner Haaland: Debra Walker, Theresa Sparks, David Campos, Jerry Berbian, Chris Daly; Russell Kyle, Sasha Magee, Rommie Whitaker, Enrique Asis, John Avalos, Morningstar Vaneil, Gil Canedo, Denise Dorey, Josue Reyes, Mira Ingram, Rev. Randi Webster, Christina Olague, and Tab Buckner.

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(3) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(4) ADDENDUM ITEMS:

(4a) **ADOPTION OF FINDINGS:**

Subject property at 124-128 Fillmore Street. Appeal No. 07-074, decided Jan. 30, 2008. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to revoke the permit with findings to be adopted at a later time. Permit Holder: David Nale. Project: on three-unit apartment building; garage in rear yard; variance application filed; roof deck over garage; three-car car lift; BPA No. 2005/06/17/5345S.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to April 2, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 2348 – 9th Avenue. Appeal No. 07-215, decided Feb. 6, 2008. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Knox absent) to overrule the denial, and grant the permit with findings and revised plans to be adopted at a later time. Appellant: Jack Yee Mar. Project: on single-family house: add new family room and sun room/green house; clear NOV No. 200677612; BPA No. 2007/02/09/3797S.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to April 2, 2008, at the prior written request of the parties.

SPEAKERS: Brett Gladstone, attorney for appellant.

PUBLIC COMMENT: None.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 230 Rhine Street. Appeal No. V07-216, decided Feb. 6, 2008. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Knox absent) to overrule the denial, and grant the variance with findings to be adopted at a later time. Appellants: Dimas and Blanca Oliva. Project: legalize "as built" vertical and horizontal addition to the detached garage structure at the rear of the lot, and remove the illegal dwelling unit within; Variance Case No. 2006.0753V.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to adopt the findings.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4d) **REHEARING REQUEST:**

Subject property at 2283-2297 Market Street. Letter from Ken Finney, attorney for Clear Channel Outdoor, permit holder, requesting rehearing of Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828. **Note: If this Rehearing Request is granted, then Item 4e, Adoption of Findings for 07-075, shall be moot, and will not be considered by the Board.**

ACTION: Upon motion by President Garcia, the Board voted 3 – 2 (Commissioners Peterson and Haaland dissented) to deny the rehearing request.

SPEAKERS: Ken Finney, attorney for permit holder; Brett Gladstone, attorney for appellant.

PUBLIC COMMENT: None.

(4e) **ADOPTION OF FINDINGS:**

Subject property at 2283-2297 Market Street. Appeal No. 07-075, Lee vs. DBI, PDA, decided Oct. 17, 2007, At that time, upon motion by Commissioner Albright, the Board voted 4-0-1 (Commissioner Fung absent) to revoke the subject permit with findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on commercial building, voluntary removal, razing and demolition of non-conforming/non-complying general advertising sign per Planning Code §§ 181(b), 188(b), and 604 (b); once commenced, demolition should be completed within a reasonable time); BPA No. 2007/05/09/0828.

ACTION: Upon motion by President Garcia, the Board voted 3 – 2 (Commissioners Peterson and Haaland dissented) to adopt the findings by the OCA with no changes.

SPEAKERS: Ken Finney, attorney for permit holder; Brett Gladstone, attorney for appellant; Aaron Peskin, BOS; Scott Sanchez, PD; Tony Lee, co-appellant.

PUBLIC COMMENT: None.

(4f) **ADOPTION OF FINDINGS:**

Subject property at 1801 Turk Street. Appeal No. 07-128, Erkelens vs. DBI, PDA, decided Dec. 12, 2007, At that time, upon motion by Commissioner Fung, the Board voted 5-0 to revoke the subject permit with a finding that the building permit application had faulty representations, with further findings to be adopted at a later date. Permit Holder: Clear Channel Outdoor. Project: on 21-unit apartment building, voluntary removal, razing and demolition of non-conforming, non-complying general advertising sign per plans; BPA No. 2007/06/28/5493.

ACTION: Upon motion by Commissioner Knox, the Board voted 3 – 2 (Commissioners Peterson and Haaland dissented) to adopt the findings by the OCA as amended.

SPEAKERS: Ken Finney, attorney for permit holder; Brett Gladstone, attorney for appellant.

PUBLIC COMMENT: None.

(4g) **REHEARING REQUEST:**

Subject property at 2642-2644 Hyde Street. Letter from Edgar Brincat, agent for Arza Trust, appellant, requesting rehearing of Appeal No. V05-129, decided Feb. 20, 2008. At that time, upon motion by President Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the subject variances. Variance Holder: Billie Cayot. Project: Rear Yard & Non-Complying Structure Variances; replace an existing 2nd floor balcony within the required rear yard of the existing two-family structure; the cantilevered balcony would be approximately 12 feet wide, 3 feet deep, and set back approximately 5 feet from each side property line; Variance Case No. 2004.1312V.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 1 (Commissioner Peterson dissented) to deny the rehearing request.

SPEAKERS: Edgar Brincat, agent for appellant; Robert Mittelstadt, agent for variance holder; Scott Sanchez, PD.

PUBLIC COMMENT: None.

(4h) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Revocation letter from Taxi Commission dated Feb. 13, 2008. Last day to appeal was Feb. 28, 2008. Jurisdiction request received on March 3, 2008. Letter from Zadik Shapiro, attorney for Grasshopper Alec Kaplan, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of Mr. Kaplan's color scheme permit, A-card (driver permit), and medallion (taxi permit).

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to continue the matter to April 2, 2008, with the public hearing closed to allow time for the requestor and TC to seek a settlement of the matter.

SPEAKERS: Zadik Shapiro, attorney for requestor; Heidi Machen, TC.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 07-152**

SHUFEN WU & YUPING MEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1734-1740 Mason Street. Protesting the issuance on August 23, 2007, to Quan/Mason Family Ltd. Partnership, Permit to Alter a Building (on seven-unit apartment building: renewal of BPA No. 2005/11/03/7384 – revert illegal unit in basement to storage and ½ bath; no wet bar). APPLICATION NO. 2007/08/23/0753. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to June 4, 2008.

SPEAKERS: Shu Fen Wu, appellant; William Quan, permit holder.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 07-177**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	652 Duncan Street. Protesting the issuance on September 7, 2007, to Eric Hansen, Site Permit to Alter a Building (on single-family house: horizontal addition; vertical addition; remodel kitchen; seismic improvement and general renovations). APPLICATION NO. 2005/12/23/0995S. FOR HEARING TODAY. **Note: On Dec. 12, 2007, the Board voted 5-0 to reschedule the matter to Call of Chair pending resolution of the Cat Ex appeal at the BOS.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Haaland dissented) to uphold the permit.

SPEAKERS: Stephen Williams, appellant; Kristin Hansen, co-permit holder; Brett Gladstone, attorney for permit holders; Scott Sanchez, PD; Chad Hamilton, agent for permit holder.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Steve Condiotti, Suzy LaMarca, Diane McCarney, Pauline Shulman, Mike Miller, and Sophie Beraznik. The following people spoke in favor of the permit holders: David Gellman, Louise Zweben, Laura Grebene, Mina Kenvin, and Marta McLeod.

(7) **APPEAL NO. 07-228**

ROSS MOORE & EARL STOKES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	377 Cumberland Street. Protesting the issuance on Dec. 7, 2007, to Lindy Joffe, Permit to Alter a Building (on single-family house: construct deck at rear of property; replace fence; and construct garden shed). APPLICATION NO. 2007/12/07/9980. FOR HEARING TODAY.

ACTION: Withdrawn by appellants.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-006**

AHMAD LARIZADEH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1875 Geary Blvd. Appealing a Letter of Determination dated Jan. 8, 2008, regarding the filling in of windows along the Geary Blvd. Frontage of the subject building. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to reschedule the matter to April 9, 2008.

SPEAKERS: Scott Sanchez, PD.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-011**

FRANK COX, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	660 Kearny Street. Appealing a Letter of Determination dated Jan. 10, 2008, regarding a proposal for a 7-Eleven store with 24-hour operation at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the ZA's Letter of Determination

SPEAKERS: Scott Sanchez, PD.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 9:00 pm.

Board of Appeals

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March 26, 2008 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for Wednesday, March 26, 2008. The next regular meeting is scheduled for Wednesday, **April 2, 2008, City Hall, Room 416, 5:00 pm,**One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **March 20, 2008**

April 02, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 2, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **SPECIAL ITEM:**

Public hearing to discuss an amendment to Article IV of the Board rules to designate the SFGTV recording as the Board's official record No action will be taken. For discussion only.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 1179-1189 Tennessee Street. Letter from Thomas Lippe, attorney for Trust of Regan Carroll, appellant, requesting rehearing of Appeal No. 06-200, decided March 7, 2007. At that time, upon motion by Commissioner Albright, the Board voted 2-3 (President Knox, Vice President Garcia, and Commissioner Fung dissented) to uphold the denial of the subject permit. Four votes being required to overrule a departmental action under the City Charter, the denial of the subject permit was upheld

Project: construct a four-story, eight-unit residential/commercial building with 5,580sf of ground floor area, BPA No. 9902819S.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 2227 – 26th Avenue. Permit issued on Sept. 24, 2007. Last day to appeal was Oct. 9, 2007. Jurisdiction request received on March 10, 2008. Letter from Juliet Wong, Emily Lee, Mary Anderson, Edward Levintov, Judy Kleppe, Eric Schmidt, Mike Matza, and Mary Matza, requestors, asking that the Board take jurisdiction over BPA No. 2006/05/03/0536. Permit Holder: Yefim Ostrovskiy. Project: remodel of first and second floors; new third floor; new roof.

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1579 La Salle Avenue. Permit issued on Dec. 24, 2007. Last day to appeal was Jan. 8, 2008. Jurisdiction request received on March 11, 2008 Letter from Kathleen Dudek, requestor, asking that the Board take jurisdiction over BPA No. 2007/05/23/2022. Permit Holders: Ching Liu Wu and Amy Lin. Project: demolition of existing porch at rear; two-story rear addition.

(4d) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Revocation letter from Taxi Commission dated Feb. 13, 2008. Last day to appeal was Feb. 28, 2008 Jurisdiction request received on March 3, 2008. Letter from Zadik Shapiro, attorney for Grasshopper Alec Kaplan, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of Mr. Kaplan's color scheme permit, A-card (driver permit), and medallion (taxi permit). **Public hearing held and closed on March 19, 2008. For further consideration today.**

(4e) **ADOPTION OF FINDINGS:**

Subject property at 124-128 Fillmore Street. Appeal No. 07-074, decided Jan. 30, 2008 At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to revoke the permit with findings to be adopted at a later time. Permit Holder: David Nale. Project: on three-unit apartment building; garage in rear yard, variance application filed; roof deck over garage; three-car car lift; BPA No. 2005/06/17/5345S.

(4f) **ADOPTION OF FINDINGS:**

Subject property at 2348 – 9th Avenue. Appeal No. 07-215, decided Feb. 6, 2008. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Knox absent) to overrule the denial, and grant the permit with findings and revised plans to be adopted at a later time. Appellant: Jack Yee Mar. Project: on single-family house add new family room and sun room/green house; clear NOV No. 200677612; BPA No. 2007/02/09/3797S.

ITEMS (5A)& (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 08-010**

JAKKEE BRYSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1369 Folsom Street. Protesting the issuance on Jan. 10, 2008, to Hole in the Wall Saloon Inc., Permit to Alter a Building (tenancy improvement to convert dance studio to new drinking establishment and live entertainment use). APPLICATION NO. 2006/10/25/6052. FOR HEARING TODAY.

(5B) **APPEAL NO. 08-019**

JAKKEE BRYSON, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1369 Folsom Street. Protesting the conditional grant on Feb. 5, 2008, to Hole in the Wall Saloon Inc., Billiard Parlor & Mechanical Amusement Device Permits. FOR HEARING TODAY.

ITEMS (6A), (6B) & (6C) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 08-003**

UNITED TAXICAB WORKERS, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the adoption on Jan. 9, 2008, of Public Convenience and Necessity Findings. RESOLUTION NO. 2008-02. FOR HEARING TODAY.

(6B) **APPEAL NO. 08-007**

BARRY TARANTO, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the adoption on Jan. 9, 2008, of Public Convenience and Necessity Findings. RESOLUTION NO. 2008-02. FOR HEARING TODAY.

(6C) **APPEAL NO. 08-009**

PETER WITT, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the adoption on Jan. 9, 2008, of Public Convenience and Necessity Findings. RESOLUTION NO. 2008-02. FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 07-160**

ANTHONY FERNANDEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	166 Encline Court. Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (on single-family house: remodel kitchen; extend bedroom in lower level and add bathroom; add bedroom in basement with bathroom; add another bathroom to garage area; build retaining wall in backyard; add deck; replace windows; add new doors). APPLICATION NO. 2007/07/03/5901. FOR HEARING TODAY.

(7B) **APPEAL NO. 07-161**

JOSEPHINE ESCOVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	166 Encline Court. Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (same description as Appeal 07-160). APPLICATION NO. 2007/07/03/5901. FOR HEARING TODAY.

(8) **APPEAL NO. 08-012**

LOTUS FONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	915 Jackson Street. Protesting the issuance on Jan. 11, 2008, to Daisy Lee, Permit to Alter a Building (horizontal and vertical addition in order to add one unit for a total of two units). APPLICATION NO. 2004/07/19/9136. FOR HEARING TODAY.

(9) **APPEAL NO. 08-013**

JON JERNIGAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	625 Duncan Street. Appealing a Partial Stop Work Order Request dated Jan. 14, 2008, addressed to the Director of the Dept. of Building Inspection, requesting that BPA No. 2005/09/09/2498 be partially suspended because some work was performed without Planning Code § 311 notification. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **March 28, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desinng to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 2, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Randall Knox, Commissioner Tanya Peterson, Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Virginia O'Rear, Official Court Reporter.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **SPECIAL ITEM:**

Public hearing to discuss an amendment to Article IV of the Board rules to designate the SFGTV recording as the Board's official record. No action will be taken. For discussion only.

ACTION: Rescheduled to April 16, 2008.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 1179-1189 Tennessee Street. Letter from Thomas Lippe, attorney for Trust of Regan Carroll, appellant, requesting rehearing of Appeal No. 06-200, decided March 7, 2007. At that time, upon motion by Commissioner Albright, the Board voted 2-3 (President Knox, Vice President Garcia, and Commissioner Fung dissented) to uphold the denial of the subject permit. Four votes being required to overrule a departmental action under the City Charter, the denial of the subject permit was upheld. Project: construct a four-story, eight-unit residential/commercial building with 5,580sf of ground floor area, BPA No. 9902819S.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to Call of Chair, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: Janet Carpinelli spoke in favor of the PD.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 2227 – 26th Avenue. Permit issued on Sept. 24, 2007. Last day to appeal was Oct. 9, 2007. Jurisdiction request received on March 10, 2008. Letter from Juliet Wong, Emily Lee, Mary Anderson, Edward Levintov, Judy Kleppe, Eric Schmidt, Mike Matza, and Mary Matza, requestors, asking that the Board take jurisdiction over BPA No. 2006/05/03/0536. Permit Holder: Yefim Ostrovskiy. Project: remodel of first and second floors; new third floor; new roof.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to deny the jurisdiction request.

SPEAKERS: Juliet Wong, co-requestor; Jesse Tomko, agent for permit holder; Tina Tam, PD.

PUBLIC COMMENT: Cliff Pfluger spoke in favor of the requestors.

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1579 La Salle Avenue. Permit issued on Dec. 24, 2007. Last day to appeal was Jan. 8, 2008. Jurisdiction request received on March 11, 2008. Letter from Kathleen Dudek, requestor, asking that the Board take jurisdiction over BPA No. 2007/05/23/2022. Permit Holders: Ching Liu Wu and Amy Lin. Project: demolition of existing porch at rear; two-story rear addition.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to grant the jurisdiction request.

SPEAKERS: Elizabeth Plummer, agent for requestors; Bill Abend, agent for permit holder, Tina Tam, PD.

PUBLIC COMMENT: None.

(4d) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Revocation letter from Taxi Commission dated Feb. 13, 2008. Last day to appeal was Feb. 28, 2008. Jurisdiction request received on March 3, 2008. Letter from Zadik Shapiro, attorney for Grasshopper Alec Kaplan, requestor, asking that the Board take jurisdiction over the Taxi Commission's revocation of Mr. Kaplan's color scheme permit, A-card (driver permit), and medallion (taxi permit). **Public hearing held and closed on March 19, 2008. For further consideration today.**

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to grant the jurisdiction request.

SPEAKERS: Zadik Shapiro, attorney for requestor; Jordanna Thigpen, TC.

PUBLIC COMMENT: None.

(4e) **ADOPTION OF FINDINGS:**

Subject property at 124-128 Fillmore Street. Appeal No. 07-074, decided Jan. 30, 2008. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to revoke the permit with findings to be adopted at a later time. Permit Holder: David Nale. Project: on three-unit apartment building; garage in rear yard; variance application filed; roof deck over garage; three-car car lift; BPA No. 2005/06/17/5345S.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to adopt the findings (version 2).

SPEAKERS: Tex Ritter, attorney for permit holder; David Nale, permit holder.

PUBLIC COMMENT: None.

(4f) **ADOPTION OF FINDINGS:**

Subject property at 2348 – 9th Avenue. Appeal No. 07-215, decided Feb. 6, 2008. At that time, upon motion by Commissioner Fung, the Board voted 4-0-1 (Commissioner Knox absent) to overrule the denial, and grant the permit with findings and revised plans to be adopted at a later time. Appellant: Jack Yee Mar. Project: on single-family house: add new family room and sun room/green house; clear NOV No. 200677612; BPA No. 2007/02/09/3797S.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the OCA's findings.

SPEAKERS: Brett Gladstone, attorney for appellant; Tina Tam, PD.

PUBLIC COMMENT: Brewster Fong and Dunn Silvey spoke in favor of the PD.

ITEMS (5A)& (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 08-010**

JAKKEE BRYSON, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1369 Folsom Street. Protesting the issuance on Jan. 10, 2008, to Hole in the Wall Saloon Inc., Permit to Alter a Building (tenancy improvement to convert dance studio to new drinking establishment and live entertainment use). APPLICATION NO. 2006/10/25/6052. FOR HEARING TODAY.

(5B) **APPEAL NO. 08-019**

JAKKEE BRYSON, Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	1369 Folsom Street. Protesting the conditional grant on Feb. 5, 2008, to Hole in the Wall Saloon Inc., Billiard Parlor & Mechanical Amusement Device Permits. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the building permit and two entertainment permits.

SPEAKERS: Jakkee Bryson, appellant; Jeremy Paul, agent for permit holder; Tina Tam, PD; Robert Davis, EC.

PUBLIC COMMENT: The following people spoke in favor of the permit holder: John Caldera, Tommy Rudder, Jim Meko, Kath Dudek, and Pete King.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 07-160**

ANTHONY FERNANDEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	166 Encline Court. Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (on single-family house: remodel kitchen; extend bedroom in lower level and add bathroom; add bedroom in basement with bathroom; add another bathroom to garage area; build retaining wall in backyard; add deck; replace windows; add new doors). APPLICATION NO. 2007/07/03/5901. FOR HEARING TODAY.

(7B) **APPEAL NO. 07-161**

JOSEPHINE ESCOVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	166 Encline Court. Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (same description as Appeal 07-160). APPLICATION NO. 2007/07/03/5901. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to continue both matters to May 7, 2008, with the public hearing closed, and for the DBI to conduct a site inspection, and for the permit holder to submit revised plans pursuant to the Board's comments.

SPEAKERS: Anthony Fernandez, appellant; Joseph Escove and Josephine Escove, appellants; Dan Rios, permit holder; Laurence Kornfield, DBI; Tina Tam, PD.

PUBLIC COMMENT: Tony Chandler and Karen Breslin spoke in favor of the appellants.

(8) **APPEAL NO. 08-012**

LOTUS FONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	915 Jackson Street. Protesting the issuance on Jan. 11, 2008, to Daisy Lee, Permit to Alter a Building (horizontal and vertical addition in order to add one unit for a total of two units). APPLICATION NO. 2004/07/19/9136. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Lotus Fong, appellant; Jeffrey Chen, attorney for permit holder.

PUBLIC COMMENT: Mary McGuire spoke in favor of the permit holder.

ITEMS (6A), (6B) & (6C) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 08-003**

UNITED TAXICAB WORKERS, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the adoption on Jan. 9, 2008, of Public Convenience and Necessity Findings. RESOLUTION NO. 2008-02. FOR HEARING TODAY.

(6B) **APPEAL NO. 08-007**

BARRY TARANTO, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the adoption on Jan. 9, 2008, of Public Convenience and Necessity Findings. RESOLUTION NO. 2008-02. FOR HEARING TODAY.

(6C) **APPEAL NO. 08-009**

PETER WITT, Appellant(s) vs. TAXI COMMISSION, Respondent	Protesting the adoption on Jan. 9, 2008, of Public Convenience and Necessity Findings. RESOLUTION NO. 2008-02. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Haaland dissented) to uphold the TC's decision, with a finding that the public's convenience and necessity requires the issuance of these 69 alternative fuel or hybrid taxi permits, to be issued at a rate of 10 per month.

SPEAKERS: Mark Gruberg, agent for appellant; Thomas George-Williams, agent for appellant; Bud Hazelkorn, agent for appellant; Barry Taranto, appellant.

PUBLIC COMMENT: The following people spoke in favor of the appellants: David Schneider, Emil Lawrence, Tara Housman, Anwar Faquiryan, Athan Rebelos, Robert Zurcher, Tony Lee, Mauro Saleauha, Mary McGuire, Sayed Bashir Rahimi, and Ruach Graffis. The following people spoke in favor of the TC: Mike Spain, Gregg Goble, Charles Rathbone, Abison Chirackal, Vladimir Zhoglo, Zuhair Sinada, Sohel Rahman, Marcelos Fonseca, Vaheed Mojabi, Ashwani Aeri, Sukhden Attal, Robert Duncanson, Laurie Graham, and Tariq Mehmood.

(9) **APPEAL NO. 08-013**

JON JERNIGAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	625 Duncan Street. Appealing a Partial Stop Work Order Request dated Jan. 14, 2008, addressed to the Director of the Dept. of Building Inspection, requesting that BPA No. 2005/09/09/2498 be partially suspended because some work was performed without Planning Code § 311 notification. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to continue the matter to April 9, 2008, with the public hearing closed, and to allow time for the appellant to meet with the neighbors.

SPEAKERS: Tina Tam, PD; Brett Gladstone, attorney for appellant; Jon Jernigan, appellant; Laurence Kornfield, DBI; Allen Martinez, agent for appellant; Lane McCauley, agent for appellant.

PUBLIC COMMENT: The following people spoke in favor of the ZA: Gralen Britto, Christian Chapa, and Diane McCarney.

There being no further business, President Garcia adjourned the meeting at 11:15 pm.

April 09, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 9, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADDENDUM ITEMS:**

(3a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 254 Beverly Street. Permit issued on Feb. 4, 2008. Last day to appeal was Feb. 19, 2008. Jurisdiction request received on March 31, 2008. Letter from Michael Hall, attorney for Rickey Bates, requestor, asking that the Board take jurisdiction over BPA No. 2008/02/04/3869. Permit Holder: Robert Char. Project: legalize existing family room, one bedroom, one full bath and storage room on ground floor; add one full bath in existing family room area.

(4) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ TAXI", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. PUBLIC HEARINGS HELD & CLOSED ON OCT. 24, 2007 & JAN. 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to comply with TC Rules, and to allow time for the TC to conduct one final surprise audit.**

ITEMS (5A), (5B), & (5C) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 07-191**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 16, 2007, to Peter Quintana, Permit to Alter a Building (on single-family house: removal of illegal unit; convert back to legal storage). APPLICATION NO. 2007/07/16/6810. JURISDICTION GRANTED OCT. 3, 2007. PUBLIC HEARING HELD & CLOSED ON JAN. 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow the Board to review the due process issues raised by the permit holder.**

(5B) **APPEAL NO. 07-192**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 18, 2007, to Peter Quintana, Plumbing Permit (demolish plumbing in illegal apartment). APPLICATION NO. PP2007/07/18/670. JURISDICTION GRANTED OCT. 3, 2007. PUBLIC HEARING HELD & CLOSED ON JAN. 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow the Board to review**

	the due process issues raised by the permit holder.

(5C) APPEAL NO. **07-193**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 19, 2007, to Peter Quintana, Electrical Permit (remove wiring installed illegally in basement, and install sub-load center). APPLICATION NO. E2007/07/19/9821. JURISDICTION GRANTED OCT. 3, 2007. PUBLIC HEARING HELD & CLOSED ON JAN. 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow the Board to review the due process issues raised by the permit holder.**

(6) APPEAL NO. **08-013**

JON JERNIGAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	625 Duncan Street. Appealing a Partial Stop Work Order Request dated Jan. 14, 2008, addressed to the Director of the Dept. of Building Inspection, requesting that BPA No. 2005/09/09/2498 be partially suspended because some work was performed without Planning Code § 311 notification. PUBLIC HEARING HELD & CLOSED ON APRIL 2, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the appellant to meet with the neighbors.**

(7) APPEAL NO. **07-225**

MARTIN KAZINSKI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the removal on Nov. 29, 2007, of appellant's name from the Public Convenience & Necessity Medallion Waiting List. LIST NO. 6-479. FOR HEARING TODAY.

(8) APPEAL NO. **07-213**

PAUL WEAVER & 1407 MONTGOMERY STREET HOME OWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1420 Montgomery Street. Protesting the issuance on Oct. 29, 2007, to Alan Steremberger, Permit to Alter a Building (on four-unit apartment building: add 4 x 12 roof top blocking for support of future PV panels; roof deck railing under separate permit; revision to BPA No. 2006/10/19/5499). APPLICATION NO. 2007/10/29/6741. FOR HEARING TODAY.

(9) APPEAL NO. **08-006**

AHMAD LARIZADEH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1875 Geary Blvd. Appealing a Letter of Determination dated Jan. 8, 2008, regarding the filling in of windows along the Geary Blvd. Frontage of the subject building. FOR HEARING TODAY.

(10) APPEAL NO. **08-014**

CLAIRE HARRISON-AMBJOR & ERIK AMBJOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1581 Masonic Avenue. Protesting the issuance on Dec. 6, 2007, to Robert Barnes, Permit to Alter a Building (new front fence and side fence; 75% open at front). APPLICATION NO. 2007/12/06/9826. JURISDICTION GRANTED JAN. 16, 2008. FOR HEARING TODAY.

(11) APPEAL NO. **08-016**

MISSION ANTI-DISPLACEMENT COALITION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 Valencia Street. Protesting the issuance on Jan. 29, 2008, to John O'Connor, Permit to Erect a Building (five-story, nine-unit residential/office building with 5,248sf of ground floor area). APPLICATION NO. 2005/04/14/0087S. FOR HEARING TODAY.

(12) **APPEAL NO. 08-017**

MICHAEL ANDERSON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	79 Putnam Street. Appealing a Letter of Determination dated Jan. 30, 2008, regarding the use of the variance process in order to make reasonable modifications to the City's zoning laws under Federal and State disability laws. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 4, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724, by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 9, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Randall Knox, Commissioner Tanya Peterson, Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosh, Senior Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Easteller Bruihl, Official Court Reporter.

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(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADDENDUM ITEMS:**

(3a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 254 Beverly Street. Permit issued on Feb. 4, 2008. Last day to appeal was Feb. 19, 2008. Jurisdiction request received on March 31, 2008. Letter from Michael Hall, attorney for Rickey Bates, requestor, asking that the Board take jurisdiction over BPA No. 2008/02/04/3869. Permit Holder: Robert Char. Project: legalize existing family room, one bedroom, one full bath and storage room on ground floor; add one full bath in existing family room area.

ACTION: Upon motion by Commissioner Peterson, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to grant the jurisdiction request.

SPEAKERS: Jeffrey Chen, attorney for permit holder; Michael Hall, attorney for requestor, Spencer Gosh DBI; Tina Tam, PD.

PUBLIC COMMENT: None.

(4) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ TAXI", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. PUBLIC HEARINGS HELD & CLOSED ON OCT. 24, 2007 & JAN. 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to comply with TC Rules, and to allow time for the TC to conduct one final surprise audit.**

ACTION: Upon motion by President Garcia, the Board voted 3 – 1 – 1 (Commissioner Knox dissented, Commissioner Haaland absent) to uphold the revocation.

SPEAKERS: Jordanna Thigpen, TC; Scott Leon, TC; Leah Parmenter, attorney for appellant.

PUBLIC COMMENT: Mark Gruberg spoke in favor of the TC.

ITEMS (5A), (5B), & (5C) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 07-191**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 16, 2007, to Peter Quintana, Permit to Alter a Building (on single-family house: removal of illegal unit; convert back to legal storage). APPLICATION NO. 2007/07/16/6810. JURISDICTION GRANTED OCT. 3, 2007. PUBLIC HEARING HELD & CLOSED ON JAN. 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow the Board to review the due process issues raised by the permit holder.**

(5B) **APPEAL NO. 07-192**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 18, 2007, to Peter Quintana, Plumbing Permit (demolish plumbing in illegal apartment). APPLICATION NO. PP2007/07/18/670. JURISDICTION GRANTED OCT. 3, 2007. PUBLIC HEARING HELD & CLOSED ON JAN. 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow the Board to review the due process issues raised by the permit holder.**

5C) **APPEAL NO. 07-193**

GEORGE GOMES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	20 Villa Terrace. Protesting the issuance on July 19, 2007, to Peter Quintana, Electrical Permit (remove wiring installed illegally in basement, and install sub-load center). APPLICATION NO. E2007/07/19/9821. JURISDICTION GRANTED OCT. 3, 2007. PUBLIC HEARING HELD & CLOSED ON JAN. 16, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow the Board to review the due process issues raised by the permit holder.**

.CTION: Upon motion by Commissioner Knox, the Board voted 4 – 0 – 1 (Commissioner Haaland bsent) to revoke all three permits with a finding that the permits were incomplete and inaccurate.

PEAKERS: George Gomes, appellant; Peter Quintana, permit holder; Spencer Gosh, DBI.

UBLIC COMMENT: None.

(6) **APPEAL NO. 08-013**

JON JERNIGAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	625 Duncan Street. Appealing a Partial Stop Work Order Request dated Jan. 14, 2008, addressed to the Director of the Dept. of Building Inspection, requesting that BPA No. 2005/09/09/2498 be partially suspended because some work was performed without Planning Code § 311 notification. PUBLIC HEARING HELD & CLOSED ON APRIL 2, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for the appellant to meet with the neighbors.**

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to overrule the ZA's Partial Stop Work Order, with adoption of findings at a later time.

SPEAKERS: Nial Vignoles, attorney for appellant.

PUBLIC COMMENT: Gralen Britto spoke in favor of the appellant.

(7) **APPEAL NO. 07-225**

MARTIN KAZINSKI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the removal on Nov. 29, 2007, of appellant's name from the Public Convenience & Necessity Medallion Waiting List. LIST NO. 6-479. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 3 – 2 to overrule the name removal and issue the appellant the next available medallion. Failed for lack of four (4) votes. Afterwards, upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Haaland dissented) to overrule the name removal, for appellant to float at the top of the medallion list for three (3) years, and for the appellant to be treated under the same driving requirements as are applied to medallion holders.

SPEAKERS: Jordanna Thigpen, TC; Martin Kazinski, appellant.

PUBLIC COMMENT: Mark Gruberg spoke in favor of the appellant.

(8) **APPEAL NO. 07-213**

PAUL WEAVER & 1407 MONTGOMERY STREET HOME OWNERS ASSOCIATION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1420 Montgomery Street. Protesting the issuance on Oct. 29, 2007, to Alan Steremberger, Permit to Alter a Building (on four-unit apartment building: add 4 x 12 roof top blocking for support of future PV panels; roof deck railing under separate permit; revision to BPA No. 2006/10/19/5499). APPLICATION NO. 2007/10/29/6741. FOR HEARING TODAY.

ACTION: Withdrawn by the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-006**

AHMAD LARIZADEH, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1875 Geary Blvd. Appealing a Letter of Determination dated Jan. 8, 2008, regarding the filling in of windows along the Geary Blvd. Frontage of the subject building. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Vice President Fung dissented) to overrule the Letter of Determination with the following finding: that the ZA erred because the marble tile work on the facade is a decorative or architectural element within the meaning of Planning Code § 145.1(a).

SPEAKERS: Ahmad Larizadeh, appellant; Tina Tam, PD.

PUBLIC COMMENT: None.

10) **APPEAL NO. 08-014**

CLAIRE HARRISON-AMBJOR & ERIK AMBJOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1581 Masonic Avenue. Protesting the issuance on Dec. 6, 2007, to Robert Barnes, Permit to Alter a Building (new front fence and side fence; 75% open at front). APPLICATION NO. 2007/12/06/9826. JURISDICTION GRANTED JAN. 16, 2008. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to uphold the permit on condition: a) that front fence and first seven (7) feet six (6) inches of side fence shall not exceed four (4) feet two (2) inches above the existing retaining wall; b) that remaining side fence be reduced by one (1) foot so as to not exceed seven (7) feet [five (5) feet solid and two (2) feet lattice].

SPEAKERS: Jeremy Paul, agent for appellant; Ilene Dick, attorney for permit holders; Tina Tam, PD.

PUBLIC COMMENT: Daniel Handler, Rob Hurlbut, Ted Snyderman, and Silvia Johnson spoke in favor of the appellants; Darnell Hutchinson and Windi Braden spoke in favor of the permit holders.

(11) **APPEAL NO. 08-016**

MISSION ANTI-DISPLACEMENT COALITION, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 Valencia Street. Protesting the issuance on Jan. 29, 2008, to John O'Connor, Permit to Erect a Building (five-story, nine-unit residential/office building with 5,248sf of ground floor area). APPLICATION NO. 2005/04/14/0087S. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 3 – 2 (President Garcia and Vice President Fung dissented) to uphold the permit on the condition that the permit holder pay $100,000 into the Mayor's Office Affordable Housing Fund. Failed for lack of four (4) votes. Afterwards, upon motion by Commissioner Haaland, the Board voted 2 – 3 (President Garcia, Vice President Fung, and Commissioner Knox dissented) to uphold the permit on the condition that the fifth (5^{th}) floor be removed. Failed for lack of four (4) votes. Permit upheld with no new conditions.

SPEAKERS: Julie Leadbetter, agent for appellant; Alice Barkley, attorney for permit holder, John O'Connor, permit holder; Tina Tam, PD.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Emalie Huriaux, Annice Jacoby, Rachel Washburn, Corrin Buchanan, Jorge Portillo, Veronica Majano, Anne Veraldi, David Arthur, Mercedes Weatherford, Josh Vining, Lizbett Calleros, Sam McMullen, Barb Singleton, and Silvia Johnson; Angus McCarthy spoke in favor of the permit holder.

(12) **APPEAL NO. 08-017**

MICHAEL ANDERSON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	79 Putnam Street. Appealing a Letter of Determination dated Jan. 30, 2008, regarding the use of the variance process in order to make reasonable modifications to the City's zoning laws under Federal and State disability laws. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the ZA's Letter of Determination.

SPEAKERS: Michael Anderson, appellant; Tina Tam, PD.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 12:35 am.

April 16, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, APRIL 16, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **SPECIAL ITEM:**

Public hearing to discuss and possibly approve an amendment to Article IV of the Board rules to designate the SFGTV recording as the Board's official record. Current version of Board rules is available for review at the Board office, and on the Board website under the link entitled "About". Proposed amendment is available at the Board office.

(4) **ADDENDUM ITEMS:** None.

(5) **APPEAL NO. V07-144**

MOLLY WILLIAMS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2 Joy Street. Appealing the denial on August 6, 2007, of Rear Yard and Screening of Parking Area Variances (add an additional curb cut in the public right of way, and an off-street unscreened parking space within the required rear yard). VARIANCE CASE NO. 2007.0326V. PUBLIC HEARING HELD & CLOSED ON NOV 7, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to confer with the ZA regarding alternative options.**

(6) **APPEAL NO. 08-025**

B. RAU JHABUA dba "ARTISTS ALLEY", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	863 Mission Street. Appealing the imposition of penalty on Feb 25, 2008, for electrical work done without a permit. APPLICATION NO E2008/02/25/5641. FOR HEARING TODAY.

(7) **APPEAL NO. 07-132**

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs.	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S

DEPT OF BUILDING INSPECTION, Respondent PLANNING DEPT APPROVAL	FOR HEARING TODAY.

(8) APPEAL NO. 07-217

STEPHEN WILLIAMS, Appellant(s) vs. DEPT OF BUILDING INSPECTION, Respondent PLANNING DEPT APPROVAL	9 Douglass Street. Protesting the issuance on Nov. 8, 2007, to Lawrence Nathanson, Permit to Alter a Building (on single-family house: vertical addition to rear portion of house for new master bedroom suite; interior renovation). APPLICATION NO. 2007/01/11/1515S. FOR HEARING TODAY. **Note: On Feb. 13, 2008, the Board voted 5-0 to reschedule the matter to Call of Chair pending resolution of the Cat Ex appeal at the BOS.**

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 07-220

ROY OLSON & AURELIO VISCARRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	162 Brewster Street. Protesting the issuance on Nov. 21, 2007, to Raymond Chen (New Subject Property Owner Sergio Iantorno), Permit to Erect a Building (two-story single-family house with 928sf of ground floor area). APPLICATION NO. 2006/07/10/6046S. FOR HEARING TODAY.

(9B) APPEAL NO. 07-224

SERGIO IANTORNO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	162 Brewster Street. Appealing a Permit Suspension Request dated Dec. 5, 2007, addressed to Dept. of Building Inspection Director Isam Hasenin, asking that BPA No. 2006/07/10/6046S be suspended because it was issued in error. FOR HEARING TODAY.

(10) APPEAL NO. 08-020

STUART QUAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	549 – 28th Street. Protesting the issuance on Feb. 7, 2008, to David Bartenwerfer, Permit to Alter a Building (relocating guard rails at existing 2nd floor rear roof deck; revision to BPA No. 2006/12/05/9242; comply with NOV No. 200735231). APPLICATION NO. 2008/01/25/3268. FOR HEARING TODAY.

(11) APPEAL NO. 08-021

JOHN MARTIN dba "JRM INTERNATIONAL", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Determination Holder: MAX WILLIAMS	2015-2019 -17th Street. Appealing a Letter of Determination dated Feb. 6, 2008, regarding the continuation of a Limited Commercial Non-Conforming Use at the subject property. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **April 4, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT

FRANK FUNG	VICE PRESIDENT
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

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April 16, 2008 minutes

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, APRIL 16, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Robert Haaland, Commissioner Randall Knox, and Commissioner Tanya Peterson.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Lawrence Badiner, Zoning Administrator, (ZA); Tina Tam, Senior Planner, Planning Department (PD); Victor Pacheco, Interim Department Head; Manuel Payes, Clerk Typist; Easteller Bruihl, Official Court Reporter.

(1) **PUBLIC COMMENT:**

SPEAKERS: None.

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **SPECIAL ITEM:**

Public hearing to discuss and possibly approve an amendment to Article IV of the Board rules to designate the SFGTV recording as the Board's official record. Current version of Board rules is available for review at the Board office, and on the Board website under the link entitled "About". Proposed amendment is available at the Board office.

ACTION: None.

(4) **ADDENDUM ITEMS:** None.

(5) **APPEAL NO. V07-144**

MOLLY WILLIAMS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2 Joy Street. Appealing the denial on August 6, 2007, of Rear Yard and Screening of Parking Area Variances (add an additional curb cut in the public right of way, and an off-street unscreened parking space within the required rear yard). VARIANCE CASE NO. 2007.0326V. PUBLIC HEARING HELD & CLOSED ON NOV. 7, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to confer with the ZA regarding alternative options.**

ACTION: Upon motion by Commissioner Knox, the Board voted 5 – 0 to uphold the denial.

SPEAKERS: Molly Williams, Appellant; Lawrence Badiner; (ZA).

PUBLIC COMMENT: None.

(6) APPEAL NO. 08-025

B RAU JHABUA dba "ARTISTS ALLEY", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	863 Mission Street. Appealing the imposition of penalty on Feb. 25, 2008, for electrical work done without a permit. APPLICATION NO. E2008/02/25/5641. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reduce the penalty to five times the regular fee.

SPEAKERS: Ron Giddings, Agent for Appellant; Laurence Kornfield, (DBI).

PUBLIC COMMENT: None.

(7) APPEAL NO. 07-132

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 7/16/08 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 07-217

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	9 Douglass Street. Protesting the issuance on Nov. 8, 2007, to Lawrence Nathanson, Permit to Alter a Building (on single-family house: vertical addition to rear portion of house for new master bedroom suite; interior renovation). APPLICATION NO. 2007/01/11/1515S. FOR HEARING TODAY. **Note: On Feb. 13, 2008, the Board voted 5-0 to reschedule the matter to Call of Chair pending resolution of the Cat Ex appeal at the BOS.**

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to reschedule the matter to 5/7/08.

SPEAKERS: Stephen Williams, Appellant; Laurence Nathanson, Permit Holder.

PUBLIC COMMENT: None.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) APPEAL NO. 07-220

ROY OLSON & AURELIO VISCARRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	162 Brewster Street. Protesting the issuance on Nov. 21, 2007, to Raymond Chen (New Subject Property Owner Sergio Iantorno), Permit to Erect a Building (two-story single-family house with 928sf of ground floor area). APPLICATION NO. 2006/07/10/6046S. FOR HEARING TODAY.

(9B) APPEAL NO. 07-224

SERGIO IANTORNO, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	162 Brewster Street. Appealing a Permit Suspension Request dated Dec. 5, 2007, addressed to Dept. of Building Inspection Director Isam Hasenin, asking that BPA No. 2006/07/10/6046S be suspended because it was issued in error. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Haaland, the Board voted 5 – 0 to continue both matters to Call of the Chair, with the public hearing closed, and to allow time for the Permit Holder to seek a Conditional Use Authorization under the interim zoning controls.

SPEAKERS: Roy Olson, Co-Appellant; Matthew Brennan, Attorney for Permit Holder; Rodrigo Santos Agent for Permit Holder; Lawrence Badiner, (ZA); Aurelio Viscarra, Co –Appellant.

PUBLIC COMMENT: None.

(10) APPEAL NO. 08-020

STUART QUAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	549 – 28th Street. Protesting the issuance on Feb. 7, 2008, to David Bartenwerfer, Permit to Alter a Building (relocating guard rails at existing 2nd floor rear roof deck; revision to BPA No. 2006/12/05/9242; comply with NOV No. 200735231). APPLICATION NO. 2008/01/25/3268. FOR HEARING TODAY.

ACTION: Withdrawn by Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) APPEAL NO. 08-021

JOHN MARTIN dba "JRM INTERNATIONAL", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Determination Holder: MAX WILLIAMS	2015-2019 -17th Street. Appealing a Letter of Determination dated Feb. 6, 2008, regarding the continuation of a Limited Commercial Non-Conforming Use at the subject property FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Knox, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 6/4/08 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 6 45 p.m.

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

Meeting Minutes were adopted by the Board on May 7, 2008.

Board of Appeals

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April 23, 2008 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for April 23 or April 30, 2008. The next regular meeting is scheduled for **Wednesday, May 7, 2008, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **April 18, 2008**

May 07, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 7, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS**:

(3) **ADOPTION OF MINUTES**:

(4) **ADDENDUM ITEMS**:

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building, construct a new garage at street level. Permit Holder: Darryl Leung.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Removal of name from medallion waiting list. Letter issued by Taxi Commission on March 13, 2008. Last day to appeal was March 28, 2008. Jurisdiction request received on April 3, 2008. Letter from Reza Ghorbani, requestor, asking that the Board take jurisdiction over the aforementioned Taxi Commission action.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 625 Duncan Street. Appeal No. 08-013, decided April 9, 2008. At that time, upon motion Vice President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to overrule the Partial Stop Work Order, with adoption of findings at a later time. Partial Stop Work Order Request was dated Jan. 14, 2008, requesting that BPA No. 2005/09/09/2498 be partially suspended because some work was performed without Planning Code § 311 notification.

(4d) **REHEARING REQUESTS:**

Subject property at 1369 Folsom Street. Letter from Jakkee Bryson, appellant, requesting rehearing of Appeal Nos. 08-010 and 08-019, decided April 2, 2008. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to uphold the building permit and the two entertainment permits. Permit Holder: Hole in the Wall Saloon. Building Permit: tenancy improvement to convert dance studio to new drinking establishment and live entertainment use; BPA No. 2006/10/25/6052. Entertainment Permits. Billiard Parlor & Mechanical Amusement Device Permits.

(4e) **REHEARING REQUEST:**

Public Convenience & Necessity Findings. Letter from Peter Witt, appellant, requesting rehearing of Appeal No. 08-009, decided April 2, 2008. At that time, upon motion by President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the Taxi Commission's decision, with a finding that the public's convenience and necessity requires the issuance of these 69 alternative fuel or hybrid taxi permits, to be issued at a rate of 10 per month.

(4f) REHEARING REQUEST:

Revocation of Color Scheme Permit. Letter from David Basada, appellant, requesting rehearing of Appeal No. 07-139, decided April 9, 2008. At that time, upon motion by President Garcia, the Board voted 3-1-1 (Commissioner Knox dissented, Commissioner Haaland absent) to uphold the revocation of the subject color scheme permit.

(4g) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 576 Sacramento Street, 4th Floor. Zoning Administrator's Notice of Violation was dated Feb. 19, 2008. Last day to appeal was March 5, 2008. Jurisdiction request received on April 21, 2008. Letter from Christopher Hall, attorney for Yulin Wu, requestor, asking that the Board take jurisdiction over the aforementioned Notice of Violation regarding the establishment of a non-authorized massage establishment at the subject property.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 07-160**

ANTHONY FERNANDEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	166 Encline Court. Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (on single-family house: remodel kitchen; extend bedroom in lower level and add bathroom; add bedroom in basement with bathroom; add another bathroom to garage area; build retaining wall in backyard; add deck; replace windows; add new doors). APPLICATION NO. 2007/07/03/5901. PUBLIC HEARING HELD & CLOSED ON APRIL 2, 2008. FOR FURTHER CONSIDERATION TODAY.

(5B) **APPEAL NO. 07-161**

JOSEPHINE ESCOVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	166 Encline Court. Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (same description as Appeal 07-160). APPLICATION NO. 2007/07/03/5901. PUBLIC HEARING HELD & CLOSED ON APRIL 2, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Both matters continued to allow time for DBI to conduct a site inspection and for the permit holder to submit revised plans pursuant to the Board's comments.**

(6) **APPEAL NO. 07-169**

RE-LEAF CENTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2980 – 21st Street. Appealing a Notice of Violation dated August 24, 2007, addressed to Edward Schmitt and the Re-Leaf Center, that the medical cannabis dispensary use at the subject property is not permitted because it lies within a residential zoning district. PUBLIC HEARING HELD & CLOSED ON MARCH 12, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for OCA to render a confidential opinion on legal issues presented in this appeal.**

(7) **APPEAL NO. 07-227**

PACIFIC POLK PROPERTIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1601 Larkin Street. Appealing the conditions placed on a Permit to Remove and Replace Six (6) Trees. ORDER NO. 176,117 (revised). FOR HEARING TODAY.

(8) **APPEAL NO. 08-027**

ROSELLER TOLENTINO dba "RUSELL'S CONVENIENCE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	425 Market Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Feb. 13, 2008. Reason(s) for suspension. selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-11. FOR HEARING TODAY.

(9) **APPEAL NO. 08-029**

ROBERT MICHAEL FRIEDMAN, Appellant(s)	Appealing the revocation on Feb. 13, 2008, of A-Card (driver permit) No. 041990 and

vs. TAXI COMMISSION, Respondent	Medallion (taxi permit) No. 865. RESOLUTION NO. 2008-07. FOR HEARING TODAY.

(10) **APPEAL NO. 07-217**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	9 Douglass Street. Protesting the issuance on Nov. 8, 2007, to Lawrence Nathanson, Permit to Alter a Building (on single-family house. vertical addition to rear portion of house for new master bedroom suite; interior renovation). APPLICATION NO. 2007/01/11/1515S. FOR HEARING TODAY **Note: On Feb. 13, 2008, the Board voted 5-0 to reschedule the matter to Call of Chair pending resolution of the Cat Ex appeal at the BOS.**

(11) **APPEAL NO. 08-032**

WALTER PFAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	177 Majestic Avenue. Appealing the imposition of penalty on Dec. 15, 2007, for plumbing work done without a permit. APPLICATION NO. PP486946. JURISDICTION GRANTED DEC. 12, 2007. FOR HEARING TODAY.

(12) **APPEAL NO. 08-026**

BARBARA CALLOWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPRTOVAL	1060 Gilman Avenue. Protesting the issuance on Feb. 8, 2008, to Charlie James, Permit to Erect a Building (three-story, single-family house with 1,960sf of ground floor area). APPLICATION NO. 2006/10/24/5911S. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **April 25, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 7, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

SF
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#3
5/7/08

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Robert Haaland, Commissioner Tanya Peterson.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Jordanna Thigpen, Executive Director, Taxi Commission; Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Easteller Bruihl, Official Court Reporter.

ABSENT: Commissioner Randall Knox.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

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SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

ACTION: Upon motion by Commissioner Peterson, the Board voted 3 – 0 – 2 (Commissioners Haaland and Knox absent) to adopt the April 16, 2008 minutes.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 4120 – 23rd Street. Permit issued on September 23, 2005. Last day to appeal was October 11, 2005. Jurisdiction request received on September 29, 2006. Letter from Robert Call, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2002/02/25/9972. Project: horizontal addition to rear of building; construct a new garage at street level. Permit Holder: Darryl Leung.

ACTION: Upon motion by Commissioner Haaland, the Board voted 1 – 3 – 1 (President Garcia, Vice President Fung, Commissioner Peterson dissented, Commissioner Knox absent) to grant the Jurisdiction Request. Failed for lack of four votes. Jurisdiction Request denied.

SPEAKERS: Robert Call, Requestor; Darryl Leung, Permit Holder; Tina Tam, Planning Department; Laurence Kornfield, Department of Building Inspection; James Li, agent for Permit Holder.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Removal of name from medallion waiting list. Letter issued by Taxi Commission on March 13, 2008. Last day to appeal was March 28, 2008. Jurisdiction request received on April 3, 2008. Letter from Reza Ghorbani, requestor, asking that the Board take jurisdiction over the aforementioned Taxi Commission action.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to grant the Jurisdiction Request.

SPEAKERS: Reza Ghorbani, Requestor; Jordanna Thigpen, Taxi Commission.

PUBLIC COMMENT: None.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 625 Duncan Street. Appeal No. 08-013, decided April 9, 2008. At that time, upon motion Vice President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to overrule the Partial Stop Work Order, with adoption of findings at a later time. Partial Stop Work Order Request was dated Jan. 14, 2008, requesting that BPA No. 2005/09/09/2498 be partially suspended because some work was performed without Planning Code § 311 notification.

ACTION: Upon motion by Vice President Fung, the Board voted 3 – 0 – 2 (Commissioners Knox and Haaland absent) to adopt the findings as prepared by the Office of the City Attorney.

SPEAKERS: Niall Vignoles, attorney for Appellant.

PUBLIC COMMENT: None.

(4d) **REHEARING REQUESTS:**

Subject property at 1369 Folsom Street. Letter from Jakkee Bryson, appellant, requesting rehearing of Appeal Nos. 08-010 and 08-019, decided April 2, 2008. At that time, upon motion by Commissioner Haaland, the Board voted 5-0 to uphold the building permit and the two entertainment permits. Permit Holder: Hole in the Wall Saloon. Building Permit: tenancy improvement to convert dance studio to new drinking establishment and live entertainment use; BPA No. 2006/10/25/6052. Entertainment Permits: Billiard Parlor & Mechanical Amusement Device Permits.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to deny both Rehearing Requests.

SPEAKERS: Jakkee Bryson, Appellant; Jeremy Paul, agent for Permit Holder.

PUBLIC COMMENT: James Passey and Jim Meko spoke in favor of the permit holder.

(4e) **REHEARING REQUEST:**

Public Convenience & Necessity Findings. Letter from Peter Witt, appellant, requesting rehearing of Appeal No. 08-009, decided April 2, 2008. At that time, upon motion by President Garcia, the Board voted 4-1 (Commissioner Haaland dissented) to uphold the Taxi Commission's decision, with a finding that the public's convenience and necessity requires the issuance of these 69 alternative fuel or hybrid taxi permits, to be issued at a rate of 10 per month.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to deny the Rehearing Request.

SPEAKERS: Peter Witt, Appellant; Jordanna Thigpen, Taxi Commission.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Robert Cesana, Ron Fishman, and Barry Taranto. The following people spoke in favor of the Taxi Commission: Paul Goodfader, Zuhair Sinada, Sohel Rahman, Abison Chirackal, Ashwani Aeri, Marcelo Fonseca, Sukhdev Attal, Bhajan Johal, and Tariq Mehmood.

(4f) **REHEARING REQUEST:**

Revocation of Color Scheme Permit. Letter from David Basada, appellant, requesting rehearing of Appeal No. 07-139, decided April 9, 2008. At that time, upon motion by President Garcia, the Board voted 3-1-1 (Commissioner Knox dissented, Commissioner Haaland absent) to uphold the revocation of the subject color scheme permit.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to grant the Rehearing Request, to set the Rehearing for June 11, 2008, and with briefs due one (1) Thursday prior to the rehearing.

SPEAKERS: Ligia Parmenter, Attorney for Appellant; Jordanna Thigpen, Taxi Commission.

PUBLIC COMMENT: Peter Witt spoke in favor of the appellant.

(4g) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 576 Sacramento Street, 4th Floor. Zoning Administrator's Notice of Violation was dated Feb. 19, 2008. Last day to appeal was March 5, 2008. Jurisdiction request received on April 21, 2008. Letter from Christopher Hall, attorney for Yulin Wu, requestor, asking that the Board take jurisdiction over the aforementioned Notice of Violation regarding the establishment of a non-authorized massage establishment at the subject property.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to deny the Jurisdiction Request.

SPEAKERS: Christopher Hall, Attorney for Requestor; Tina Tam, Planning Department.

PUBLIC COMMENT: None.

ITEMS (5A) & (5B) SHALL BE HEARD TOGETHER:

(5A) **APPEAL NO. 07-160**

ANTHONY FERNANDEZ, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	166 Encline Court. Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (on single-family house: remodel kitchen; extend bedroom in lower level and add bathroom; add bedroom in basement with bathroom; add another bathroom to garage area; build retaining wall in backyard; add deck; replace windows; add new doors). APPLICATION NO. 2007/07/03/5901. PUBLIC HEARING HELD & CLOSED ON APRIL 2, 2008. FOR FURTHER CONSIDERATION TODAY.

(5B) **APPEAL NO. 07-161**

JOSEPHINE ESCOVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	166 Encline Court. Protesting the issuance on August 17, 2007, to Dan Rios, Permit to Alter a Building (same description as Appeal 07-160). APPLICATION NO. 2007/07/03/5901. PUBLIC HEARING HELD & CLOSED ON APRIL 2, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Both matters continued to allow time for DBI to conduct a site inspection and for the permit holder to submit revised plans pursuant to the Board's comments.**

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to uphold the permit on condition that a) the retaining wall be removed; b) that 3 false walls be removed in the backyard; c) that insulation be incorporated in the areas being altered so that the decibel rating of transmission between the properties not exceed 58 STC; and d) that construction work be limited to 8am to 5pm, Monday thru Saturday.

SPEAKERS: Laurence Kornfield, Department of Building Inspection; Joseph Escove, agent for Appellant; Dan Rios, Permit Holder; Tina Tam, Planning Department.

PUBLIC COMMENT: Karen Breslin and Tony Chandler spoke in favor of the appellants; Luisa Vasquez spoke in favor of the permit holder.

(6) **APPEAL NO. 07-169**

RE-LEAF CENTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2980 – 21st Street. Appealing a Notice of Violation dated August 24, 2007, addressed to Edward Schmitt and the Re-Leaf Center, that the medical cannabis dispensary use at the subject property is not permitted because it lies within a residential zoning district. PUBLIC HEARING HELD & CLOSED ON MARCH 12, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for OCA to render a confidential opinion on legal issues presented in this appeal.**

ACTION: Upon motion by Vice President Fung, the Board voted 3 – 0 – 2 (Commissioners Knox and Haaland absent) to reschedule the matter to June 4, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 07-227**

PACIFIC POLK PROPERTIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1601 Larkin Street. Appealing the conditions placed on a Permit to Remove and Replace Six (6) Trees. ORDER NO. 176,117 (revised). FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 – 2 (Commissioners Knox and Haaland absent) to reschedule the matter to June 4, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-027**

ROSELLER TOLENTINO dba "RUSELL'S CONVENIENCE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	425 Market Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Feb. 13, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-11. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 -1 (Commissioner Knox absent) to uphold the 15-day suspension.

SPEAKERS: Johnson Ojo, Principal Inspector, Department of Public Health; Roseller Tolentino, Appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-029**

ROBERT MICHAEL FRIEDMAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Feb. 13, 2008, of A-Card (driver permit) No. 041990 and Medallion (taxi permit) No. 865. RESOLUTION NO. 2008-07. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 3 – 0 – 2 (Commissioners Knox and Haaland absent) to reschedule the matter to June 11, 2008.

SPEAKERS: Geoffrey Rotwein, attorney for appellant; Jordanna Thigpen, Taxi Commission.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 07-217**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	9 Douglass Street. Protesting the issuance on Nov. 8, 2007, to Lawrence Nathanson, Permit to Alter a Building (on single-family house: vertical addition to rear portion of house for new master bedroom suite; interior renovation). APPLICATION NO. 2007/01/11/1515S. FOR HEARING TODAY. **Note: On Feb. 13, 2008, the Board voted 5-0 to reschedule the matter to Call of Chair pending resolution of the Cat Ex appeal at the BOS.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to continue the matter to May 14, 2008, with the public hearing closed, to allow time for Permit Holder to submit more information pursuant to the Board's comments.

SPEAKERS: Stephen Williams, Appellant; Laurence Nathanson, Permit Holder; Laurence Kornfield, Department of Building Inspection.

PUBLIC COMMENT: John Redmond spoke in favor of the permit holder; Jane Whitaker and Stephen Goldstine spoke in favor of the appellant.

(11) **APPEAL NO. 08-032**

WALTER PFAU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	177 Majestic Avenue. Appealing the imposition of penalty on Dec. 15, 2007, for plumbing work done without a permit. APPLICATION NO. PP486946. JURISDICTION GRANTED DEC. 12, 2007. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board vote 4 – 0 – 1 (Commissioner Knox absent) to reduce the penalty to two times the regular fee.

SPEAKERS: None. The Dept. of Building Inspection consented to the reduction.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 08-026**

BARBARA CALLOWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPRTOVAL	1060 Gilman Avenue. Protesting the issuance on Feb. 8, 2008, to Charlie James, Permit to Erect a Building (three-story, single-family house with 1,960sf of ground floor area). APPLICATION NO. 2006/10/24/5911S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Knox absent) to continue the matter to June 11, 2008, with the public hearing closed, and with update briefs due from all parties one Thursday prior to hearing; matter continued to allow time for Planning staff to re-review the project.

SPEAKERS: Tina Tam, Planning Department; Barbara Calloway, Appellant; David Silverman, attorney for Permit Holder; Charles James, Permit Holder.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 9:45 p.m.

Board of Appeals

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May 14, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 14, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

(4) ADDENDUM ITEMS:

(4a) JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:

Subject property at 2200 Beach Street. Permit issued on July 26, 2007. Last day to appeal was August 10, 2007. Jurisdiction request received on April 24, 2008. Letter from Marcus Newberry, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/06/27/5184. Project: add elevator, open space decks, French balconies; add new windows and doors per plans; remodel kitchen; see Variance Case No. 2006.0724V. Permit Holder: Arnold Piatti.

(5) **APPEAL NO. 07-174**

JACQUES JANOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	963 North Point Street. Protesting the issuance on September 5, 2007, to IJLN Investments LLC, Site Permit to Erect a Building (four-story, two-unit building with 1,387sf of ground floor area). APPLICATION NO. 2006/10/12/4833S. PUBLIC HEARING HELD & CLOSED ON DEC 12, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to negotiate the easement issue.**

(6) **APPEAL NO. 07-186**

ROBERT TRACY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3816- 21st Street. Protesting the issuance on Oct. 1, 2007, to Leo Portal, Permit to Alter a Building (on single-family house: install spiral stair; no structural changes or modification to existing 5' X 5' opening). APPLICATION NO. 2007/09/19/3140. PUBLIC HEARINGS HELD & CLOSED ON JAN 30, 2008, AND FEB 13, 2008 FOR FURTHER CONSIDERATION TODAY **Note: matter continued to allow time for permit holder to file for a consolidation permit for entire project.**

(7) **APPEAL NO. 07-217**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	9 Douglass Street. Protesting the issuance on Nov. 8, 2007, to Lawrence Nathanson, Permit to Alter a Building (on single-family house: vertical addition to rear portion of house for new master bedroom suite; interior renovation). APPLICATION NO. 2007/01/11/1515S.

	PUBLIC HEARING HELD & CLOSED ON MAY 7, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for permit holder to submit additional information pursuant to the Board's comments.**

(8) **APPEAL NO. 08-034**

ROGER FONG, Appellant(s) vs DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1001-1017 Greenwich Street. Protesting the issuance on Feb. 26, 2008, to Richard Cardello, Permit to Alter a Building (vertical addition within existing building footprint; add one dwelling unit and three-car garage; interior remodel). APPLICATION NO. 2004/06/10/6109S. FOR HEARING TODAY.

(9) **APPEAL NO. 08-035**

PANOS 1998 FAMILY TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2400 Irving Street. Appealing a Letter of Determination dated March 7, 2008, regarding the zoning line that currently bisects the subject property and whether a financial service establishment may occupy the entire structure at the subject property. FOR HEARING TODAY.

(10) **APPEAL NO. 08-036**

1314 POLK STREET ASSOCIATES LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1326 Polk Street. Appealing a Notice of Violation dated Feb. 27, 2008, which states that the new condominium development at the subject property is in violation of Planning Code § 207.1(b). FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **May 9, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317, web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief, 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 14, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Randall Knox, and Commissioner Tanya Peterson.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (DP); Victor Pacheco, Interim Department Head; Manuel Payes, Clerk Typist; Easteller Bruihl, Official Court Reporter.

ABSENT: Commissioner Robert Haaland.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKER: Commissioner Randall Knox announced his resignation from the Board, and said that May 14, 2008 would be his last meeting.

(3) **ADOPTION OF MINUTES:** None.

SPEAKERS: None.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 2200 Beach Street. Permit issued on July 26, 2007. Last day to appeal was August 10, 2007. Jurisdiction request received on April 24, 2008. Letter from Marcus Newberry, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/06/27/5184. Project: add elevator, open space decks, French balconies; add new windows and doors per plans; remodel kitchen; see Variance Case No. 2006.0724V. Permit Holder: Arnold Piatti.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to 6/4/08 in order to allow time for parties to negotiate a settlement.

SPEAKERS: David Bunim, Attorney for Requestor; Tina Tam, PD; Jack Krystal, new Subject Property Owner.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 07-174**

JACQUES JANOT, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	963 North Point Street. Protesting the issuance on September 5, 2007, to IJLN Investments LLC, Site Permit to Erect a Building (four-story, two-unit building with 1,387sf of ground floor area). APPLICATION NO. 2006/10/12/4833S. PUBLIC HEARING HELD & CLOSED ON DEC. 12, 2007. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to negotiate the easement issue.**

ACTION: Withdrawn by Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 07-186**

ROBERT TRACY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3816- 21st Street. Protesting the issuance on Oct. 1, 2007, to Leo Portal, Permit to Alter a Building (on single-family house: install spiral stair; no structural changes or modification to existing 5' X 5' opening). APPLICATION NO. 2007/09/19/3140. PUBLIC HEARINGS HELD & CLOSED ON JAN. 30, 2008, AND FEB. 13, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for permit holder to file for a consolidation permit for entire project.**

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to 6/4/08 in order to allow the Permit Holder to file for the consolidation permit for entire project.

SPEAKERS: Laurence Kornfield, (DBI); Appellant did not appear; John Pollard, Agent for Permit Holder.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 07-217**

STEPHEN WILLIAMS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	9 Douglass Street. Protesting the issuance on Nov. 8, 2007, to Lawrence Nathanson, Permit to Alter a Building (on single-family house: vertical addition to rear portion of house for new master bedroom suite; interior renovation). APPLICATION NO. 2007/01/11/1515S. PUBLIC HEARING HELD & CLOSED ON MAY 7, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for permit holder to submit additional information pursuant to the Board's comments.**

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the permit on condition that the plate height elevation for the new floor be 8 feet and that the maximum height of the roof peak be 13 feet - 4 inches.

SPEAKERS: Laurence Nathanson, Permit Holder; Stephen Williams, Appellant.

PUBLIC COMMENT: Jane Whitaker, Stephen Goldstine, Georgia Heise, Laurie Riordan, Ann Rhoney, Diane Balter, and Michael Mcmillan spoke in favor of the Appellant.

(8) **APPEAL NO. 08-034**

ROGER FONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1001-1017 Greenwich Street. Protesting the issuance on Feb. 26, 2008, to Richard Cardello, Permit to Alter a Building (vertical addition within existing building footprint; add one dwelling unit and three-car garage; interior remodel). APPLICATION NO. 2004/06/10/6109S. FOR HEARING TODAY.

ACTION: Withdrawn by the Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-035**

PANOS 1998 FAMILY TRUST, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2400 Irving Street. Appealing a Letter of Determination dated March 7, 2008, regarding the zoning line that currently bisects the subject property and whether a financial service establishment may occupy the entire structure at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to uphold the Zoning Administrator's Letter of Determination.

SPEAKERS: Tina Tam, PD; Lucian Blazej, Agent for Appellant.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-036**

1314 POLK STREET ASSOCIATES LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1326 Polk Street. Appealing a Notice of Violation dated Feb. 27, 2008, which states that the new condominium development at the subject property is in violation of Planning Code § 207.1(b). FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 6/18/08 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 7:39 p.m.

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

Board of Appeals

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May 21, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, MAY 21, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 7, 2008 minutes.

(4) **ADDENDUM ITEMS:** None.

(5) **APPEAL NO. 08-038**

JOBY PRITZKER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	635 Buena Vista West. Appealing the denial on March 7, 2008, of Permit to Remove and Replace Two (2) Trees. ORDER NO. 177,424. FOR HEARING TODAY.

(6) **APPEAL NO. 07-159**

NANCY HOUSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	75 Folsom Street Appealing the denial on August 31, 2007, of Permit to Alter a Building (on 67-unit apartment building: merge units 905 and 906 into one unit, remove wall between units). APPLICATION NO. 2007/01/16/1750 FOR HEARING TODAY.

(7) **APPEAL NO. 07-196**

JOHNSON YOU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	245 Clement Street Appealing a Notice of Violation dated Sept 28, 2007, addressed to Johnson You, regarding an unauthorized independent massage establishment use at the subject property FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER :

(8A) APPEAL NO. 08-037

MUSEUM PARC COMPLIANCE CONTROL COMMITTEE, Appellant(s) vs DEPT OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	725 Folsom Street. Protesting the issuance on March 12, 2008, to Culinary Arts Studio, Permit to Alter a Building (tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café). APPLICATION NO. 2007/11/21/8738. FOR HEARING TODAY.

(8B) APPEAL NO. 08-043

MUSEUM PARC HOA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	725 Folsom Street. Protesting the issuance on March 12, 2008, to Culinary Arts Studio, Permit to Alter a Building (tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café). APPLICATION NO. 2007/11/21/8738. FOR HEARING TODAY.

(9) APPEAL NO. 08-039

SUSAN & YARNG ALTAWAL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1780 McAllister Street #3. Protesting the issuance on March 6, 2008, to James Gause, Permit to Alter a Building (remove and replace kitchen wall cabinets, base board cabinets, and baseboard). APPLICATION NO. 2008/03/06/6541. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: May 16, 2008

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

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Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the

Board at the public hearing For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, pleasecontact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief, 2) Respondent's or Permit holder's Response Brief, 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, MAY 21, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Robert Haaland.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Easteller Bruihl, Official Court Reporter.

ABSENT: Commissioner Tanya Peterson.

NOTE: The Board currently has one vacancy; accordingly, under the City Charter, 3 out of 4 votes are needed to overturn or modify a departmental action.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 7, 2008 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 3 – 0 – 1 to adopt the 05/07/08 minutes.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS**: None.

(5) **APPEAL NO. 08-038**

JOBY PRITZKER, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	635 Buena Vista West. Appealing the denial on March 7, 2008, of Permit to Remove and Replace Two (2) Trees. ORDER NO. 177,424. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 3 – 0 – 1 (Commissioner Peterson absent) to overrule the denial, grant the permit, on condition that two (2) replacement trees of a sixty inch (60") box size be planted with the species to be approved by the DPW BUF.

SPEAKERS: Carla Short, DPW BUF; Robin White, agent for Appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 07-159**

NANCY HOUSE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	75 Folsom Street. Appealing the denial on August 31, 2007, of Permit to Alter a Building (on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units). APPLICATION NO. 2007/01/16/1750. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 – 1 (Commissioner Peterson absent) to overrule the denial, grant the permit, with adoption of findings at a later date.

SPEAKERS: Scott Sanchez, Planning Dept.; Jeremy Paul, agent for Appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: Jonathan Olson and Dona Crowder spoke in favor of the Appellant.

(7) **APPEAL NO. 07-196**

JOHNSON YOU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	245 Clement Street. Appealing a Notice of Violation dated Sept. 28, 2007, addressed to Johnson You, regarding an unauthorized independent massage establishment use at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 – 1 (Commissioner Peterson absent) to reschedule the matter to June 18, 2008 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 08-037**

MUSEUM PARC COMPLIANCE CONTROL COMMITTEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	725 Folsom Street. Protesting the issuance on March 12, 2008, to Culinary Arts Studio, Permit to Alter a Building (tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café). APPLICATION NO. 2007/11/21/8738. FOR HEARING TODAY.

(8B) **APPEAL NO. 08-043**

MUSEUM PARC HOA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	725 Folsom Street. Protesting the issuance on March 12, 2008, to Culinary Arts Studio, Permit to Alter a Building (tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café). APPLICATION NO. 2007/11/21/8738. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 – 1 (Commissioner Peterson absent) to reschedule both matters to June 18, 2008, with the permit holder's update brief due two (2) Thursdays prior to hearing, and the appellant's update brief due one (1) Thursday prior to hearing.

SPEAKERS: Laurence Kornfield, DBI; Scott Lane, agent for Appellant; Curtis Smolar, attorney for Appellant; Chris Pastena, agent for Permit Holder.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-039**

SUSAN & YARNG ALTAWAL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1780 McAllister Street #3. Protesting the issuance on March 6, 2008, to James Gause, Permit to Alter a Building (remove and replace kitchen wall cabinets, base board cabinets, and baseboard). APPLICATION NO. 2008/03/06/6541. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 3 – 0 – 1 (Commissioner Peterson absent) to reschedule the matter to June 4, 2008 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 6:30 p.m.

Board of Appeals

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May 28, 2008 (No Meeting)

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PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for May 28, 2008. The next regular meeting is scheduled for **Wednesday, June 4, 2008, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **May 22, 2008**

Board of Appeals

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June 04, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 4, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 14 and May 21, 2008 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 2200 Beach Street. Permit issued on July 26, 2007. Last day to appeal was August 10, 2007. Jurisdiction request received on April 24, 2008. Letter from Marcus Newberry, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/06/27/5184. Project: add elevator, open space decks, French balconies; add new windows and doors per plans; remodel kitchen; see Variance Case No. 2006.0724V. Permit Holder: Arnold Piatti. **Note: public hearing held and closed on May 14, 2008; matter continued to allow time for parties to negotiate a settlement.**

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Determination of ineligibility for ramp taxicab medallion. Letter from Taxi Commission dated Dec. 14, 2007. Last day to appeal was Dec. 31, 2007. Jurisdiction request received on May 6, 2008. Letter from Khaldoun Sukkar, requestor, asking that the Board take jurisdiction over the afore-mentioned action by the Taxi Commission.

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 4726 Geary Blvd.. Zoning Administrator's Notice of Violation was dated March 19, 2008. Last day to appeal was April 3, 2008. Jurisdiction request received on May 7, 2008. Letter from Paul Horcher, attorney for Well-Care Acupuncture & Health Care, requestor, asking that the Board take jurisdiction over the aforementioned Notice of Violation regarding the operation of an unauthorized massage establishment at the subject property.

(4d) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1306 McAllister Street. DPW Bureau of Urban Forestry revised order was dated March 7, 2008. Last day to appeal was March 24, 2008. Jurisdiction request received on May 12, 2008. Letter from Rachel Abraham Pollard, requestor, asking that the Board take jurisdiction over the aforementioned DPW BUF revised order regarding the removal of one (1) tree at the subject property.

(4e) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 338 Silliman Street. Building permit issued on March 12, 2008. Last day to appeal was March 27, 2008. Jurisdiction request received on May 14, 2008. Letter from Raquel Fox, attorney for Victoria Rodas, requestor, asking that the Board take jurisdiction over BPA No. 2008/03/12/6904. Project: remove existing habitable space and interior non-bearing walls only on first floor; demo only; revision to BPA No. 2007/12/11/0235. Permit Holder: Enrico Obert.

(5) **APPEAL NO. 07-169**

RE-LEAF CENTER, Appellant(s) vs ZONING ADMINISTRATOR, Respondent	2980 – 21st Street. Appealing a Notice of Violation dated August 24, 2007, addressed to Edward Schmitt and the Re-Leaf Center, that the medical cannabis dispensary use at the subject property is not permitted because it lies within a residential zoning district. PUBLIC HEARING HELD & CLOSED ON MARCH 12, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for OCA to render a confidential opinion on legal issues presented in this appeal.**

(6) APPEAL NO. 07-186

ROBERT TRACY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3816- 21st Street. Protesting the issuance on Oct. 1, 2007, to Leo Portal, Permit to Alter a Building (on single-family house: install spiral stair; no structural changes or modification to existing 5' X 5' opening). APPLICATION NO. 2007/09/19/3140. PUBLIC HEARINGS HELD & CLOSED ON JAN. 30, 2008, AND FEB. 13, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for permit holder to file for a consolidation permit for entire project.**

(7) APPEAL NO. 07-227

PACIFIC POLK PROPERTIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1601 Larkin Street. Appealing the conditions placed on a Permit to Remove and Replace Six (6) Trees. ORDER NO. 176,117 (revised). FOR HEARING TODAY.

(8) APPEAL NO. 08-021

JOHN MARTIN dba "JRM INTERNATIONAL", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Determination Holder: MAX WILLIAMS	2015-2019 -17th Street. Appealing a Letter of Determination dated Feb. 6, 2008, regarding the continuation of a Limited Commercial Non-Conforming Use at the subject property. FOR HEARING TODAY.

(9) APPEAL NO. 08-039

SUSAN & YARNG ALTAWAL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1780 McAllister Street #3. Protesting the issuance on March 6, 2008, to James Gause, Permit to Alter a Building (remove and replace kitchen wall cabinets, base board cabinets, and baseboard). APPLICATION NO. 2008/03/06/6541. FOR HEARING TODAY.

(10) APPEAL NO. 08-041

LEONARD KOREN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	317 Chestnut Street. Protesting the issuance on March 12, 2008, to Matthew Preetzer & Helena Jauses-Preetzer, Permit to Alter a Building (remodel family recreation room and bathroom; replace door and window at rear; in-like and kind; comply with NOV Nos. 199704882 & 200562078). APPLICATION NO. 2008/03/11/6865. FOR HEARING TODAY.

(11) APPEAL NO. 08-042

LYNNE LOVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1559 – 23rd Avenue. Protesting the issuance on March 11, 2008, to Lawrence Choy, Permit to Alter a Building (remodel existing kitchen and bathrooms at 2nd floor; two new bedrooms and two toilet rooms, and one storage room to be constructed at ground floor; replace beams; new rear deck attached to building at 2nd floor). APPLICATION NO. 2008/03/06/6499. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **May 30, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ROBERT HAALAND	COMMISSIONER
RANDALL KNOX	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 4, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Robert Haaland, and Commissioner Tanya Peterson.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (DP); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Carla Short, Urban Forester, Department of Public Works (DPW/BUF); Victor Pacheco, Interim Department Head; Manuel Payes, Clerk Typist; Easteller Bruihl, Official Court Reporter.

NOTE: The Board currently has one vacancy, and pursuant to the City Charter, when a vacancy exists, 3 out of 4 votes are needed to overturn of modify a departmental action.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the May 14 and May 21, 2008 minutes.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 to adopt the 5/14/08 and 5/21/08 minutes.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 2200 Beach Street. Permit issued on July 26, 2007. Last day to appeal was August 10, 2007. Jurisdiction request received on April 24, 2008. Letter from Marcus Newberry, requestor, asking that the Board take jurisdiction over Building Permit Application No. 2006/06/27/5184. Project: add elevator, open space decks, French balconies; add new windows and doors per plans; remodel kitchen; see Variance Case No. 2006.0724V. Permit Holder: Arnold Piatti. **Note: public hearing held and closed on May 14, 2008; matter continued to allow time for parties to negotiate a settlement.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 to deny the Jurisdiction Request.

SPEAKERS: David Bunim, Attorney for Requestor; Jack Krystal, New Subject Property Owner; Laurence Kornfield, DBI; Tina Tam, PD.

PUBLIC COMMENT: None.

(4b) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Determination of ineligibility for ramp taxicab medallion. Letter from Taxi Commission dated Dec. 14, 2007. Last day to appeal was Dec. 31, 2007. Jurisdiction request received on May 6, 2008. Letter from Khaldoun Sukkar, requestor, asking that the Board take jurisdiction over the afore-mentioned action by the Taxi Commission.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 to grant the Jurisdiction Request.

SPEAKERS: Sukkar Khaldoun, Requestor; Jordanna Thigpen, TC.

PUBLIC COMMENT: Mark Gruberg and Refaee Alrefaee spoke in favor of the Requestor.

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 4726 Geary Blvd.. Zoning Administrator's Notice of Violation was dated March 19, 2008. Last day to appeal was April 3, 2008. Jurisdiction request received on May 7, 2008. Letter from Paul Horcher, attorney for Well-Care Acupuncture & Health Care, requestor, asking that the Board take jurisdiction over the aforementioned Notice of Violation regarding the operation of an unauthorized massage establishment at the subject property.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to grant the Jurisdiction Request.

SPEAKERS: Paul Horcher, Attorney for Requestor; Tina Tam, PD; Guo Wang, Agent for Requestor.

PUBLIC COMMENT: Said Amin spoke in favor of the Requestor.

(4d) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 1306 McAllister Street. DPW Bureau of Urban Forestry revised order was dated March 7, 2008. Last day to appeal was March 24, 2008. Jurisdiction request received on May 12, 2008. Letter from Rachel Abraham Pollard, requestor, asking that the Board take jurisdiction over the aforementioned DPW BUF revised order regarding the removal of one (1) tree at the subject property.

ACTION: Upon motion by Commissioner Haaland, the Board voted 4 -0 to grant the Jurisdiction Request.

SPEAKERS: Carla Short, DPW/BUF; Raquel Abraham Pollard, Requestor.

PUBLIC COMMENT: None.

(4e) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 338 Silliman Street. Building permit issued on March 12, 2008. Last day to appeal was March 27, 2008. Jurisdiction request received on May 14, 2008. Letter from Raquel Fox, attorney for Victoria Rodas, requestor, asking that the Board take jurisdiction over BPA No. 2008/03/12/6904. Project: remove existing habitable space and interior non-bearing walls only on first floor; demo only; revision to BPA No. 2007/12/11/0235. Permit Holder: Enrico Obert.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to reschedule the matter to 6/11/08 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 07-169**

RE-LEAF CENTER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2980 – 21st Street. Appealing a Notice of Violation dated August 24, 2007, addressed to Edward Schmitt and the Re-Leaf Center, that the medical cannabis dispensary use at the subject property is not permitted because it lies within a residential zoning district. PUBLIC HEARING HELD & CLOSED ON MARCH 12, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for OCA to render a confidential opinion on legal issues presented in this appeal.**

ACTION: Withdrawn by the Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 07-186**

ROBERT TRACY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	3816- 21st Street. Protesting the issuance on Oct. 1, 2007, to Leo Portal, Permit to Alter a Building (on single-family house: install spiral stair; no structural changes or modification to existing 5' X 5' opening). APPLICATION NO. 2007/09/19/3140. PUBLIC HEARINGS HELD & CLOSED ON JAN. 30, 2008, AND FEB. 13, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for permit holder to file for a consolidation permit for entire project.**

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to revoke the permit with a finding that a consolidation permit is more appropriate.

SPEAKERS: Laurence Kornfield, DBI; Robert Tracy, Appellant; Rachel Abraham- Polland, Agent for Permit Holder; Leo Portal, Permit Holder.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 07-227**

PACIFIC POLK PROPERTIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1601 Larkin Street. Appealing the conditions placed on a Permit to Remove two (2) Trees, and appealing the denial of Permit to Remove four (4) Trees. ORDER NO. 176,117 (revised). FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 1 (Vice President Fung dissented) to uphold the revised order.

SPEAKERS: Carla Short, DPW/BUF; Paul Utrecht, Attorney for Appellant; John McInerney, Agent for Appellant.

PUBLIC COMMENT: Joe Butler, Dawn Trennert, Frank Canneta, Michael Schoolnik, Rowena Jen, and Graeme Woodhouse spoke in favor of preserving the trees.

(8) **APPEAL NO. 08-021**

JOHN MARTIN dba "JRM INTERNATIONAL", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Determination Holder: MAX WILLIAMS	2015-2019 -17th Street. Appealing a Letter of Determination dated Feb. 6, 2008, regarding the continuation of a Limited Commercial Non-Conforming Use at the subject property. FOR HEARING TODAY.

ACTION: Withdrawn by the Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-039**

SUSAN & YARNG ALTAWAL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1780 McAllister Street #3. Protesting the issuance on March 6, 2008, to James Gause, Permit to Alter a Building (remove and replace kitchen wall cabinets, base board cabinets, and baseboard). APPLICATION NO. 2008/03/06/6541. FOR HEARING TODAY.

ACTION: Withdrawn by the Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-041**

LEONARD KOREN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	317 Chestnut Street. Protesting the issuance on March 12, 2008, to Matthew Preetzer & Helena Jausas-Preetzer, Permit to Alter a Building (remodel family recreation room and bathroom; replace door and window at rear; in-like and kind; comply with NOV Nos. 199704882 & 200562078). APPLICATION NO. 2008/03/11/6865. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 -0 to uphold the permit.

SPEAKERS: Helena Jausas–Pretzer, Permit Holder; Appellant did not appear.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 08-042**

LYNNE LOVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1559 – 23rd Avenue. Protesting the issuance on March 11, 2008, to Lawrence Choy, Permit to Alter a Building (remodel existing kitchen and bathrooms at 2nd floor; two new bedrooms and two toilet rooms, and one storage room to be constructed at ground floor; replace beams; new rear deck attached to building at 2nd floor). APPLICATION NO. 2008/03/06/6499. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to reschedule the matter to 7/09/08.

SPEAKERS: Summer Bei, Attorney for Appellant; Lynne Love, Appellant; Permit Holder did not appear.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further Business, the President Garcia adjourned the meeting at 8:07 p.m.

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

Board of Appeals

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 11, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 338 Silliman Street. Building permit issued on March 12, 2008. Last day to appeal was March 27, 2008. Jurisdiction request received on May 14, 2008. Letter from Raquel Fox, attorney for Victoria Rodas, requestor, asking that the Board take jurisdiction over BPA No. 2008/03/12/6904. Project: remove existing habitable space and interior non-bearing walls only on first floor; demo only; revision to BPA No. 2007/12/11/0235. Permit Holder: Enrico Obert.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 75 Folsom Street. Appeal No. 07-159, House vs. DBI, PCD, decided May 21, 2008. At that time, upon motion by President Garcia, the Board voted 3-0-1 (Commissioner Peterson absent) to overrule the denial, grant the permit, with adoption of findings at a later date. Project: on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units; BPA No. 2007/01/16/1750.

(5) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ TAXI", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. FOR REHEARING TODAY. **Note: On April 9, 2008, the Board voted 3-1-1 (RK dissented, KA absent) to uphold the revocation. On May 7, 2008, the Board voted 4-0-1 (RK absent) to grant the appellant's rehearing request, and to set the rehearing for June 11, 2008.**

(6) **APPEAL NO. 08-026**

BARBARA CALLOWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPRTOVAL	1060 Gilman Avenue Protesting the issuance on Feb. 8, 2008, to Charlie James, Permit to Erect a Building (three-story, single-family house with 1,960sf of ground floor area). APPLICATION NO. 2006/10/24/5911S PUBLIC HEARING HELD & CLOSED ON MAY 7, 2008. FOR FURTHER CONSIDERATION TODAY **Note: matter continued to allow time for Planning Dept. staff to re-review the project.**

(7) **APPEAL NO. 08-029**

ROBERT MICHAEL FRIEDMAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Feb. 13, 2008, of A-Card (driver permit) No. 041990 and Medallion (taxi permit) No. 865. RESOLUTION NO. 2008-07. FOR HEARING TODAY.

(8) **APPEAL NO. 08-046**

OK INVESTMENTS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2157 Lombard Street aka 256 Moulton Street. Appealing a Notice of Violation dated March 25, 2008, regarding the unauthorized non-retail "administrative service use" known as "Brothers by Choice" at the rear commercial space of the subject property. FOR HEARING TODAY.

(9) **APPEAL NO. 08-048**

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	337 – 28th Avenue. Protesting the issuance on March 26, 2008, of Permit to Alter a Building (comply with BID NOV No. 200343967; legalize work performed without permit including demolition of fourth floor penthouse less 10' X 20' and three story structure at south side, construction of replacement fourth story less 25' X 35', structural upgrades including foundation replacement, and new electrical and plumbing). APPLICATION NO. 2006/06/27/5202. FOR HEARING TODAY.

(10) **APPEAL NO. 08-049**

AI REN LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISION DISAPPROVAL	770 – 18th Avenue. Appealing the denial on April 11, 2008, of Permit to Alter a Building (four foot setback of first and second floor rear wall; reference previously approved BPA No. 2005/10/06/4962. APPLICATION NO. 2007/09/24/3528S. FOR HEARING TODAY.

ADJOURNMENT.

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Date posted: **June 6, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ROBERT HAALAND	COMMISSIONER
TANYA PETERSON	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 11, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Robert Haaland, Commissioner Tanya Peterson, Commissioner Kendall Goh.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist; Kathryn Charpentier, Official Court Reporter.

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SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

None.

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(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 338 Silliman Street. Building permit issued on March 12, 2008. Last day to appeal was March 27, 2008. Jurisdiction request received on May 14, 2008. Letter from Raquel Fox, attorney for Victoria Rodas, requestor, asking that the Board take jurisdiction over BPA No. 2008/03/12/6904. Project: remove existing habitable space and interior non-bearing walls only on first floor; demo only; revision to BPA No. 2007/12/11/0235. Permit Holder: Enrico Obert.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to grant the Jurisdiction Request.

SPEAKERS: Raquel Fox, attorney for Requestor; John Zanghi, attorney for Permit Holder, Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 75 Folsom Street. Appeal No. 07-159, House vs. DBI, PCD, decided May 21, 2008. At that time, upon motion by President Garcia, the Board voted 3-0-1 (Commissioner Peterson absent) to overrule the denial, grant the permit, with adoption of findings at a later date. Project: on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units; BPA No. 2007/01/16/1750.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to June 18, 2008.

SPEAKERS: Jeremy Paul, agent for Appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ TAXI", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. FOR REHEARING TODAY. **Note: On April 9, 2008, the Board voted 3-1-1 (RK dissented, KA absent) to uphold the revocation. On May 7, 2008, the Board voted 4-0-1 (RK absent) to grant the appellant's rehearing request, and to set the rehearing for June 11, 2008.**

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to June 18, 2008.

SPEAKERS: Jordanna Thigpen, TC.

PUBLIC COMMENT: Anne McVeigh, spoke in favor of the Appellant.

(6) **APPEAL NO. 08-026**

BARBARA CALLOWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPRTOVAL	1060 Gilman Avenue. Protesting the issuance on Feb. 8, 2008, to Charlie James, Permit to Erect a Building (three-story, single-family house with 1,960sf of ground floor area). APPLICATION NO. 2006/10/24/5911S. PUBLIC HEARING HELD & CLOSED ON MAY 7, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for Planning Dept. staff to re-review the project.**

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to July 9, 2008.

SPEAKERS: Barbara Calloway, Appellant; David Silverman, attorney for Permit Holder; Tina Tam, PD.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-029**

ROBERT MICHAEL FRIEDMAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Feb. 13, 2008, of A-Card (driver permit) No. 041990 and Medallion (taxi permit) No. 865. RESOLUTION NO. 2008-07. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 1 – 1 (Commissioner Goh dissented; Commissioner Haaland absent) to deny the rescheduling request. Afterwards, upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to July 23, 2008, with the public hearing closed, to allow time for parties to submit additional information pursuant to the Board's comments, and with update briefs due one (1) Thursday prior to the hearing date.

SPEAKERS: Geoffrey Rotwein, attorney for Appellant; Jordanna Thigpen, TC; Sgt. Ron Reynolds, SFPD; Robert Michael Friedman, Appellant.

PUBLIC COMMENT: The following people spoke in favor of the Appellant: Robert Cesana, Susan Fenn, Carl Macmurdo, Anne McVeigh, and Dan Hinds. The following people spoke in favor of the Taxi Commission: Richard Hybels and Mark Gruberg.

(8) **APPEAL NO. 08-046**

OK INVESTMENTS, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	2157 Lombard Street aka 256 Moulton Street. Appealing a Notice of Violation dated March 25, 2008, regarding the unauthorized non-retail "administrative service use" known as "Brothers by Choice" at the rear commercial space of the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to overrule the Notice of Violation, with adoption of findings on July 9, 2008.

SPEAKERS: Tina Tam, PD; James Lassart, attorney for Appellant.

PUBLIC COMMENT: Andrew Sims spoke in favor of the Appellant.

(9) **APPEAL NO. 08-048**

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	337 – 28th Avenue. Protesting the issuance on March 26, 2008, of Permit to Alter a Building (comply with BID NOV No. 200343967; legalize work performed without permit including demolition of fourth floor penthouse less 10' X 20' and three story structure at south side, construction of replacement fourth story less 25' X 35', structural upgrades including foundation replacement, and new electrical and plumbing). APPLICATION NO. 2006/06/27/5202. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to reschedule the matter to 07/09/08, with reduced plans due immediately, and appellant's brief due by Thursday June 19, 2008, and permit holder's brief due by Thursday July 3, 20008, and with no appellant's reply.

SPEAKERS: Augustine Fallay, Appellant; Crystal Lei, Permit Holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-049**

AI REN LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISSION DISAPPROVAL	770 – 18th Avenue. Appealing the denial on April 11, 2008, of Permit to Alter a Building (four foot setback of first and second floor rear wall; reference previously approved BPA No. 2005/10/06/4962. APPLICATION NO. 2007/09/24/3528S. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 1 – 1 (Commissioner Goh dissented, Commissioner Haaland absent) to overrule the denial. Failed for lack of four votes. Motion rescinded by President Garcia. Afterwards, upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Haaland absent) to continue the matter to June 18, 2008, to await the attendance of Commissioner Haaland.

SPEAKERS: Tina Tam, PD; David Silverman, attorney for Appellant.

PUBLIC COMMENT: The following people spoke in favor of the Planning Commission: Richard Tenaza, Eva Alcorn, Charles Walker, Elena Rogan, Ailene Coffino, and Ed Levy.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 9p.m.

Board of Appeals

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June 18, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JUNE 18, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 4, 2008 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 75 Folsom Street. Appeal No. 07-159, House vs. DBI, PCD, decided May 21, 2008. At that time, upon motion by President Garcia, the Board voted 3-0-1 (Commissioner Peterson absent) to overrule the denial, grant the permit, with adoption of findings at a later date. Project: on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units; BPA No. 2007/01/16/1750.

(4b) **REHEARING REQUEST:**

Subject property at 9 Douglass Street. Appeal No. 07-217, Williams vs. DBI, PDA, decided May 14, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the permit on condition that the plate height elevation for the new floor be 8 feet and that the maximum height for the roof peak be 13 feet - 4 inches. Permit Holder: Lawrence Nathanson. Project: on single-family house, vertical addition to rear portion of house for new master bedroom suite, interior renovation; BPA No. 2007/01/11/1515S.

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 442 Haight Street. Permit issued on May 6, 2008. Last day to appeal was May 21, 2008. Jurisdiction request received on May 28, 2008. Letter from Thea Selby, requestor, asking that the Board take jurisdiction over BPA No. 2007/05/18/1718S. Permit Holder: Harvey Rudman. Project: legalization of an existing medical cannabis dispensary; no physical alteration to existing space.

(5) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ TAXI", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. **FOR REHEARING TODAY Note: On April 9, 2008, the Board voted 3-1-1 (RK dissented, KA absent) to uphold the revocation. On May 7, 2008, the Board voted 4-0-1 (RK absent) to grant the appellant's rehearing request, and to set the rehearing for June 11, 2008.**

(6) **CLOSED SESSION:**

Conference with Legal Counsel, Anticipated Litigation, City as Defendant.

Board of Appeals, Appeal No. 08-049, Ai Ren Lei vs. DBI, Planning Commission Disapproval, 770 – 18th Avenue, denial of building permit application.

A. Public comment on all matters pertaining to the closed session.

B. Vote on whether to assert the attorney-client privilege to hold closed session to confer with legal counsel regarding anticipated litigation because discussion in open session would likely and unavoidably prejudice the position of the City in that litigation. (CA Government Code § 54956.9; SF Administrative Code § 67.10(d)).

C. Conference with legal counsel in closed session.

D. Reconvene in open session:
1. Report on action taken in closed session, if any, and the vote thereon.
2. Vote to elect whether to disclose any portion of the discussions held in closed session that is not confidential and possible report thereon.

(7) **APPEAL NO. 08-049**

AI REN LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISION DISAPPROVAL	770 – 18th Avenue. Appealing the denial on April 11, 2008, of Permit to Alter a Building (four foot setback of first and second floor rear wall; reference previously approved BPA No. 2005/10/06/4962. APPLICATION NO. 2007/09/24/3528S. PUBLIC HEARING HELD & CLOSED ON JUNE 11, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to await the vote of Commissioner Robert Haaland.**

(8) **APPEAL NO. 07-196**

JOHNSON YOU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	245 Clement Street. Appealing a Notice of Violation dated Sept. 28, 2007, addressed to Johnson You, regarding an unauthorized independent massage establishment use at the subject property. FOR HEARING TODAY.

(9) **APPEAL NO. 08-036**

1314 POLK STREET ASSOCIATES LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1326 Polk Street. Appealing a Notice of Violation dated Feb. 27, 2008, which states that the new condominium development at the subject property is in violation of Planning Code § 207.1(b). FOR HEARING TODAY.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 08-037**

MUSEUM PARC COMPLIANCE CONTROL COMMITTEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	725 Folsom Street. Protesting the issuance on March 12, 2008, to Culinary Arts Studio, Permit to Alter a Building (tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café). APPLICATION NO. 2007/11/21/8738. FOR HEARING TODAY.

(10B) **APPEAL NO. 08-043**

MUSEUM PARC HOA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	725 Folsom Street. Protesting the issuance on March 12, 2008, to Culinary Arts Studio, Permit to Alter a Building (same description as Appeal No. 08-037). APPLICATION NO. 2007/11/21/8738. FOR HEARING TODAY.

(11) **APPEAL NO. 08-050**

KATHLEEN DUDEK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1579 La Salle Avenue. Protesting the issuance on Dec. 24, 2007, to Amy Wai Lin Chu, Permit to Alter a Building (demolition of existing porch at rear of existing building, proposed two story rear addition at rear of existing one story over garage). APPLICATION NO. 2007/05/23/2022S. JURISDICTION GRANTED APRIL 2, 2008. FOR HEARING TODAY.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 08-051**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960 Golden Gate Avenue. Protesting the issuance on April 3, 2008, to James Ulahue, Permit to Alter a Building (remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995). APPLICATION NO. 2008/01/28/3333 FOR HEARING TODAY.

(12B) **APPEAL NO. 08-052**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue aka 800-808 Lyon Street. Protesting the issuance on April 3, 2008, to Prana Eight Properties LLC, Permit to Alter a Building (comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; remove deck with invalid easement over adjacent property [separate permit]; provide fire escape to provide 2nd means of egress). APPLICATION NO. 2008/02/05/3995. FOR HEARING TODAY.

(13) **APPEAL NO. 08-054**

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. FOR HEARING TODAY

(14) **APPEAL NO. 08-069**

MANUEL & MERCEDES MURILLO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	367 Munich Street Appealing the imposition of penalty for construction work done without a permit. APPLICATION NO 2006/07/24/7448S. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief, 2) Permit Holder's, Respondent's or Other Parties' Brief, 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **June 13, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
ROBERT HAALAND	COMMISSIONER
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER

EASTELLER BRUIHL - OFFICIAL COURT REPORTER – TEL: 415.348.0050– FAX: 415.348.0077 –THE PRESIDING OFFICER WILL CALL A RECESS AT 6:30 PM AND WHENEVER NECESSARY FOR THE CONVENIENCE OF THE COURT REPORTER.

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief, 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JUNE 18, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, and Commissioner Kendall Goh.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (DP); Victor Pacheco, Interim Department Head; Manuel Payes, Clerk Typist; Easteller Bruihl, Official Court Reporter.

NOTE: The Board currently has one vacancy, and pursuant to the City Charter, when a vacancy exists, 3 out of 4 votes are needed to overturn of modify a departmental action.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 4, 2008 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to adopt the 6/4/08 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 75 Folsom Street. Appeal No. 07-159, House vs. DBI, PCD, decided May 21, 2008. At that time, upon motion by President Garcia, the Board voted 3-0-1 (Commissioner Peterson absent) to overrule the denial, grant the permit, with adoption of findings at a later date. Project: on 67-unit apartment building: merge units 905 and 906 into one unit; remove wall between units; BPA No. 2007/01/16/1750.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 to adopt the findings with revisions (line struck in paragraph # 3, and typos in paragraphs # 7, 9, and determination).

SPEAKERS: Jeremy Paul, Agent for Appellant.

PUBLIC COMMENT: None.

(4b) **REHEARING REQUEST:**

Subject property at 9 Douglass Street. Appeal No. 07-217, Williams vs. DBI, PDA, decided May 14, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0-1 (Commissioner Haaland absent) to uphold the permit on condition that the plate height elevation for the new floor be 8 feet and that the maximum height for the roof peak be 13 feet - 4 inches. Permit Holder: Lawrence Nathanson. Project: on single-family house, vertical addition to rear portion of house for new master bedroom suite; interior renovation; BPA No. 2007/01/11/1515S.

ACTION: Withdrawn by the Appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4c) **JURISDICTION REQUEST TO ALLOW LATE FILING OF APPEAL:**

Subject property at 442 Haight Street. Permit issued on May 6, 2008. Last day to appeal was May 21, 2008. Jurisdiction request received on May 28, 2008. Letter from Thea Selby, requestor, asking that the Board take jurisdiction over BPA No. 2007/05/18/1718S. Permit Holder: Harvey Rudman. Project: legalization of an existing medical cannabis dispensary; no physical alteration to existing space.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to grant the Jurisdiction Request.

SPEAKERS: Thea Selby, Requestor; Brian Soriano, Attorney for Permit Holder; Pat Buscovich, Agent for Permit Holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: Vallie Brown and Robert Johnstone spoke in favor of the requestor.

(5) **APPEAL NO. 07-139**

DAVID BASADA dba "KSJ TAXI", Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on August 2, 2007, of Color Scheme Permit. FOR REHEARING TODAY. **Note: On April 9, 2008, the Board voted 3-1-1 (RK dissented, KA absent) to uphold the revocation. On May 7, 2008, the Board voted 4-0-1 (RK absent) to grant the appellant's rehearing request, and to set the rehearing for June 11, 2008.**

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to uphold the revocation with adoption of the parties' settlement agreement dated 6/4/08.

SPEAKERS: Thomas Owen, OCA; Ligia Parmenter, Attorney for Appellant.

PUBLIC COMMENT: None.

(6) **CLOSED SESSION:**

Conference with Legal Counsel, Anticipated Litigation, City as Defendant.

Board of Appeals, Appeal No. 08-049, Ai Ren Lei vs. DBI, Planning Commission Disapproval, 770 – 18th Avenue, denial of building permit application.

A. Public comment on all matters pertaining to the closed session.

B. Vote on whether to assert the attorney-client privilege to hold closed session to confer with legal counsel regarding anticipated litigation because discussion in open session would likely and unavoidably prejudice the position of the City in that litigation. (CA Government Code § 54956.9; SF Administrative Code § 67.10(d)).

C. Conference with legal counsel in closed session.

D. Reconvene in open session:

1. Report on action taken in closed session, if any, and the vote thereon.
2. Vote to elect whether to disclose any portion of the discussions held in closed session that is not confidential and possible report thereon.

ACTION: Upon motion by President Garcia, the Board voted 4 - 0 to convene in closed session.

SPEAKERS: None.

PUBLIC COMMENT: None.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 to not disclose the contents of the closed session.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-049**

AI REN LEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING COMMISION DISAPPROVAL	770 – 18th Avenue. Appealing the denial on April 11, 2008, of Permit to Alter a Building (four foot setback of first and second floor rear wall; reference previously approved BPA No. 2005/10/06/4962. APPLICATION NO. 2007/09/24/3528S. PUBLIC HEARING HELD & CLOSED ON JUNE 11, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to await the vote of Commissioner Robert Haaland.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 to overrule the denial and grant the permit with the following conditions: a) that an interconnected stairway be provided between ground floor and second floor; b) that full bath be changed to ½ bath at the ground floor; and c) that the exit from the ground floor to the street be eliminated, and with adoption of findings at a later date.

SPEAKERS: Tina Tam, PD; David Silverman, Attorney for Appellant.

PUBLIC COMMENT: Eva Alcorn, Richard Tenaza, Elena Rogan, Ailene Coffino, and Ed Levy spoke in favor of the Planning Commission.
Henry Karnilowicz spoke in favor of the Appellant.

(8) **APPEAL NO. 07-196**

JOHNSON YOU, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	245 Clement Street. Appealing a Notice of Violation dated Sept. 28, 2007, addressed to Johnson You, regarding an unauthorized independent massage establishment use at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date.

SPEAKERS: Tina Tam, PD; Brett Gladstone, Attorney for Appellant; Johnson You, Appellant.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-036**

1314 POLK STREET ASSOCIATES LLC, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1326 Polk Street. Appealing a Notice of Violation dated Feb. 27, 2008, which states that the new condominium development at the subject property is in violation of Planning Code § 207.1(b). FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 3 – 1 (Commissioner Peterson dissented) to uphold the Notice of Violation on condition that the eleven (11) parking spaces may remain.

SPEAKERS: Tina Tam, PD; Tuija Catalano, Attorney for Appellant; Stokes Burtis, Agent for Appellant.

PUBLIC COMMENT: Audrey Moy, Paul Ratner, Jessica Nosunchuk, Gil Aurellano, and Pauline Lorenz spoke in favor of the Zoning Administrator.

ITEMS (10A) & (10B) SHALL BE HEARD TOGETHER:

(10A) **APPEAL NO. 08-037**

MUSEUM PARC COMPLIANCE CONTROL COMMITTEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	725 Folsom Street. Protesting the issuance on March 12, 2008, to Culinary Arts Studio, Permit to Alter a Building (tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café). APPLICATION NO. 2007/11/21/8738. FOR HEARING TODAY.

(10B) **APPEAL NO. 08-043**

MUSEUM PARC HOA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent REDEVELOPMENT AGENCY APPROVAL	725 Folsom Street. Protesting the issuance on March 12, 2008, to Culinary Arts Studio, Permit to Alter a Building (same description as Appeal No. 08-037). APPLICATION NO. 2007/11/21/8738. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to revoke the permit with adoption of findings at a later date.

SPEAKERS: Curtis Smolar, Attorney for Appellant; Chris Pastena, Agent for Permit Holder; Scott Lane, Agent for Appellant; Jim Maxwell, Agent for Permit Holder; Randy Waldek, Agent for Permit Holder, Jonathan Kirchner, Agent for Appellant.

PUBLIC COMMENT: Stan Feinsod, Mindy Brandon, Louis Bonsignore, Joseph Vickstein, Grey Chew; Toney Yeh, Lydia Lee Chang, Diane Rooney, Leo Chyi, Peter Hartman, Jim Donnelly, Neil Rains, Jim Bourgart, Yoshi Murai, Martin Maguss, Carole Ginn, and Vikki Hart spoke in favor of the appellant.

(11) **APPEAL NO. 08-050**

KATHLEEN DUDEK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1579 La Salle Avenue. Protesting the issuance on Dec. 24, 2007, to Amy Wai Lin Chu, Permit to Alter a Building (demolition of existing porch at rear of existing building; proposed two story rear addition at rear of existing one story over garage). APPLICATION NO. 2007/05/23/2022S. JURISDICTION GRANTED APRIL 2, 2008. FOR HEARING TODAY.

ACTION: Administratively Withdrawn

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 08-051**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960 Golden Gate Avenue. Protesting the issuance on April 3, 2008, to James Ulahue, Permit to Alter a Building (remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995). APPLICATION NO. 2008/01/28/3333. FOR HEARING TODAY.

(12B) **APPEAL NO. 08-052**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue aka 800-808 Lyon Street. Protesting the issuance on April 3, 2008, to Prana Eight Properties LLC, Permit to Alter a Building (comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; remove deck with invalid easement over adjacent property [separate permit]; provide fire escape to provide 2nd means of egress). APPLICATION NO. 2008/02/05/3995. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to reschedule both matters to 08/20/08.

SPEAKERS: Patrick Buscovich, Agent for Permit Holder; Joe O'Donashue, Agent for Appellants; Raquel Fox, Attorney for Appellants; Laurence Kornfield, DBI.

PUBLIC COMMENT: None

(13) **APPEAL NO. 08-054**

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 to reschedule the matter to 08/13/08.

SPEAKERS: None. Appellant did not appear.

PUBLIC COMMENT: None.

(14) **APPEAL NO. 08-069**

MANUEL & MERCEDES MURILLO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	367 Munich Street. Appealing the imposition of penalty for construction work done without a permit. APPLICATION NO. 2006/07/24/7448S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung , the Board voted 4 - 0 to reduce the penalty to two (2) times the regular fee.

SPEAKERS: None. DBI consented to reduction.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further Business, the President Garcia, adjourned the meeting at 10:30 p.m.

Transcripts of these hearings can be obtained from Easteller Bruihl, the Official Court Reporter.

Board of Appeals

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June 25, 2008 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for June 25, 2008 or July 2, 2008. The next regular meeting is scheduled for **Wednesday, July 9, 2008, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **June 20, 2008**

Board of Appeals

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July 09, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 9, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 11 and June 18, 2008 minutes.

(4) **SPECIAL ITEM:**

Discussion and possible action to suspend Article IV of the Board rules requiring a court reporter at every Board meeting. Pending a new contract for a court reporter, discussion and possible adoption of an interim policy to designate the SFGTV recording as the Board's official record

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

Subject property at 2157 Lombard Street aka 256 Moulton Street. Appeal No. 08-046, OK Investments vs. ZA, decided June 11, 2008. At that time, upon motion by President Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to overrule the Notice of Violation with adoption of findings on July 9, 2008. NOV. regarding the unauthorized non-retail "administrative service use" known as "Brothers by Choice" at the rear commercial space of the subject property.

(5b) **ADOPTION OF FINDINGS:**

Subject property at 770 - 18th Avenue. Appeal No. 08-049, Lei vs. DBI, PCD, decided June 18, 2008. At that time, upon motion by President Garcia, the Board voted 4-0 to overrule the denial, and grant the permit with the following conditions: a) that an interconnected stairway be provided between the ground floor and second floor; b) that the full bath be changed to ½ bath at the ground floor; and c) that the exit from the ground floor to the street be eliminated, and with adoption of findings at a later date.

(6) **APPEAL NO. 08-055**

PEARL MARKET, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1201 Divisadero Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 9, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-37. FOR HEARING TODAY.

(7) **APPEAL NO. 08-058**

McBAKER MARKET, Appellant(s)	1800 McAllister Street.

vs DEPT. OF PUBLIC HEALTH, Respondent	Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 9, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-41. FOR HEARING TODAY.

(8) APPEAL NO. 08-026

BARBARA CALLOWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPRTOVAL	1060 Gilman Avenue. Protesting the issuance on Feb. 8, 2008, to Charlie James, Permit to Erect a Building (three-story, single-family house with 1,960sf of ground floor area). APPLICATION NO. 2006/10/24/5911S. PUBLIC HEARING HELD & CLOSED ON MAY 7, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for Planning Dept. staff to re-review the project.**

(9) APPEAL NO. 08-042

LYNNE LOVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1559 – 23rd Avenue. Protesting the issuance on March 11, 2008, to Lawrence Choy, Permit to Alter a Building (remodel existing kitchen and bathrooms at 2nd floor; two new bedrooms and two toilet rooms, and one storage room to be constructed at ground floor; replace beams; new rear deck attached to building at 2nd floor). APPLICATION NO. 2008/03/06/6499. FOR HEARING TODAY.

(10) APPEAL NO. 08-048

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	337 – 28th Avenue. Protesting the issuance on March 26, 2008, of Permit to Alter a Building (comply with BID NOV No. 200343967; legalize work performed without permit including demolition of fourth floor penthouse less 10' X 20' and three story structure at south side, construction of replacement fourth story less 25' X 35', structural upgrades including foundation replacement, and new electrical and plumbing). APPLICATION NO. 2006/06/27/5202. FOR HEARING TODAY.

(11) APPEAL NO. 08-056

TED LOWPENSKY, Appellant(s) vs. DEPT. OF BULDING INSPECTION, Respondent	1032 Quesada Avenue. Appealing the imposition of penalty on April 11, 2008, for work done without a building permit. APPLICATION NO. 2008/04/10/9413. FOR HEARING TODAY.

(12) APPEAL NO. 08-057

JIM & ANGIE TALLENT, CAROLE & SCOTT CAGE, & MIKE GREEN, Appellant(s) vs. DEPT. OF BULDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3340 Clay Street. Protesting the issuance on April 8, 2008, to Gordon & Amy Ritter, Permit to Alter a Building (remodel of 4th floor playroom; relocate bedroom to rear and reconfigure to provide for additional bedroom; reconfigure bath; new dormers and skylights; replace single glazed windows to dual glazed at rear). APPLICATION NO. 2007/12/19/0829. FOR HEARING TODAY.

(13) APPEAL NO. 08-060

RENEE MARQUARDT, Appellant(s) vs. DEPT. OF BULDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	194 Downey Street. Protesting the issuance on April 14, 2008, to Tim Kutzkey, Permit to Alter a Building (construct deck over second floor sunroom; remove shed roof over sunroom). APPLICATION NO. 2008/04/14/9542. FOR HEARING TODAY.

ADJOURNMENT.

Note: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief, 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for review at the Board's office, 1660 Mission Street, Room 3036, front counter. Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 2, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
** VACANT SEAT **	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or

fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

Videotapes of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

Note: Each item on this agenda may include the following documents: 1) Appellant's Preliminary Statement of Appeal and Brief; 2) Respondent's or Permit holder's Response Brief; 3) Appellant's Reply; 4) Department decision, order, permit, determination, resolution, or Notice of Violation; and 5) Correspondence of public and parties. These items are available for review at the Board's office, 1660 Mission St., Rm. 3036, front counter.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 9, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Johnson Ojo, Principle Inspector, Department of Public Health, (DPH); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: David Pilpel; Tony Fu.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the June 11 and June 18, 2008 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the June 11 and June 18, 2008 minutes.

(4) **SPECIAL ITEM:**

Discussion and possible action to suspend Article IV of the Board rules requiring a court reporter at every Board meeting. Pending a new contract for a court reporter, discussion and possible adoption of an interim policy to designate the SFGTV recording as the Board's official record.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the interim policy.

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

Subject property at 2157 Lombard Street aka 256 Moulton Street. Appeal No. 08-046, OK Investments vs. ZA, decided June 11, 2008. At that time, upon motion by President Garcia, the Board voted 4-0-1 (Commissioner Haaland absent) to overrule the Notice of Violation with adoption of findings on July 9, 2008. NOV: regarding the unauthorized non-retail "administrative service use" known as "Brothers by Choice" at the rear commercial space of the subject property.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the findings as prepared by OCA.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5b) **ADOPTION OF FINDINGS:**

Subject property at 770 - 18th Avenue. Appeal No. 08-049, Lei vs. DBI, PCD, decided June 18, 2008. At that time, upon motion by President Garcia, the Board voted 4-0 to overrule the denial, and grant the permit with the following conditions: a) that an interconnected stairway be provided between the ground floor and second floor; b) that the full bath be changed to ½ bath at the ground floor; and c) that the exit from the ground floor to the street be eliminated; and with adoption of findings at a later date.

ACTION: Upon motion by Commissioner Peterson, the Board voted 5 – 0 to continue the matter to July 16, 2008.

SPEAKERS: David Silverman, attorney for appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 08-055**

PEARL MARKET, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1201 Divisadero Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 9, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-37. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reduce the suspension to fifteen (15) days.

SPEAKERS: Johnson Ojo, DPH; Basel Iskndafi, agent for appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-058**

McBAKER MARKET, Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	1800 McAllister Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on April 9, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-41. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to uphold the 15-day suspension.

SPEAKERS: Johnson Ojo, DPH; Appellant did not appear.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-026**

BARBARA CALLOWAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPRTOVAL	1060 Gilman Avenue. Protesting the issuance on Feb. 8, 2008, to Charlie James, Permit to Erect a Building (three-story, single-family house with 1,960sf of ground floor area). APPLICATION NO. 2006/10/24/5911S. PUBLIC HEARING HELD & CLOSED ON MAY 7, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: matter continued to allow time for Planning Dept. staff to re-review the project.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Goh dissented) to uphold the permit on condition that the windows bordering the appellant's property be non-transparent and offset, and that a Notice of Special Restrictions (NSR) be filed on the land records restricting use to single-family residence, and with the following additional conditions: no wet bar on ground floor, open connections between ground and second floor, and no bathrooms on ground floors.

SPEAKERS: Tina Tam, PD; Arthur Emerson, agent for appellant; David Silverman, attorney for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-042**

LYNNE LOVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1559 – 23rd Avenue. Protesting the issuance on March 11, 2008, to Lawrence Choy, Permit to Alter a Building (remodel existing kitchen and bathrooms at 2nd floor; two new bedrooms and two toilet rooms, and one storage room to be constructed at ground floor; replace beams; new rear deck attached to building at 2nd floor). APPLICATION NO. 2008/03/06/6499. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to reschedule the matter to July 16, 2008.

SPEAKERS: Summer Bei, attorney for appellant; Lynne Love, appellant; permit holder did not appear.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-048**

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	337 – 28th Avenue. Protesting the issuance on March 26, 2008, of Permit to Alter a Building (comply with BID NOV No. 200343967; legalize work performed without permit including demolition of fourth floor penthouse less 10' X 20' and three story structure at south side, construction of replacement fourth story less 25' X 35', structural upgrades including foundation replacement, and new electrical and plumbing). APPLICATION NO. 2006/06/27/5202. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to July 16, 2008, with reduced sets of approved plans to be submitted by Thursday July 10, 2008.

SPEAKERS: Augustine Fallay, appellant; Michael Betz, attorney for permit holder; Tina Tam, PD; Laurence Kornfield, DBI; Tony Fu, agent for permit holder.

PUBLIC COMMENT: Peter Poon, spoke in favor of the permit holder.

(11) **APPEAL NO. 08-056**

TED LOWPENSKY, Appellant(s) vs. DEPT. OF BULDING INSPECTION, Respondent	1032 Quesada Avenue. Appealing the imposition of penalty on April 11, 2008, for work done without a building permit. APPLICATION NO. 2008/04/10/9413. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 4 – 1 (Commissioner Mandelman dissented) to reduce the penalty to three (3) times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Ted Lowpensky, appellant.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 08-057**

JIM & ANGIE TALLENT, CAROLE & SCOTT CAGE, & MIKE GREEN, Appellant(s) vs. DEPT. OF BULDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3340 Clay Street. Protesting the issuance on April 8, 2008, to Gordon & Amy Ritter, Permit to Alter a Building (remodel of 4th floor playroom; relocate bedroom to rear and reconfigure to provide for additional bedroom; reconfigure bath; new dormers and skylights; replace single glazed windows to dual glazed at rear). APPLICATION NO. 2007/12/19/0829. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Angela Tallent, co-appellant; Alice Barkley, attorney for permit holder; Gordon Ritter, co-permit holder; Tina Tam, PD; Philip Rossington, agent for appellants.

PUBLIC COMMENT: None.

(13) **APPEAL NO. 08-060**

RENEE MARQUARDT, Appellant(s) vs. DEPT. OF BULDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	194 Downey Street. Protesting the issuance on April 14, 2008, to Tim Kutzkey, Permit to Alter a Building (construct deck over second floor sunroom; remove shed roof over sunroom). APPLICATION NO. 2008/04/14/9542. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS:

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 8:05 pm.

Board of Appeals

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July 16, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 16, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 770 - 18th Avenue. Appeal No. 08-049, Lei vs. DBI, PCD, decided June 18, 2008. At that time, upon motion by President Garcia, the Board voted 4-0 to overrule the denial, and grant the permit with the following conditions: a) that an interconnected stairway be provided between the ground floor and second floor; b) that the full bath be changed to ½ bath at the ground floor; and c) that the exit from the ground floor to the street be eliminated; and with adoption of findings at a later date.

(5) **APPEAL NO. 07-152**

SHUFEN WU & YUPING MEI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1734-1740 Mason Street. Protesting the issuance on August 23, 2007, to Ouan/Mason Family Ltd Partnership, Permit to Alter a Building (on seven-unit apartment building renewal of BPA No. 2005/11/03/7384 – revert illegal unit in basement to storage and ½ bath, no wet bar). APPLICATION NO. 2007/08/23/0753. FOR HEARING TODAY.

(6) **APPEAL NO. 08-042**

LYNNE LOVE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1559 – 23rd Avenue. Protesting the issuance on March 11, 2008, to Lawrence Choy, Permit to Alter a Building (remodel existing kitchen and bathrooms at 2nd floor; two new bedrooms and two toilet rooms, and one storage room to be constructed at ground floor; replace beams; new rear deck attached to building at 2nd floor). APPLICATION NO. 2008/03/06/6499.

	FOR HEARING TODAY.

(7) **APPEAL NO. 08-048**

AUGUSTINE FALLAY, Appellant(s) vs DEPT OF BUILDING INSPECTION, Respondent PLANNING DEPT APPROVAL	337 – 28th Avenue. Protesting the issuance on March 26, 2008, of Permit to Alter a Building (comply with BID NOV No. 200343967; legalize work performed without permit including demolition of fourth floor penthouse less 10' X 20' and three story structure at south side, construction of replacement fourth story less 25' X 35', structural upgrades including foundation replacement, and new electrical and plumbing). APPLICATION NO. 2006/06/27/5202. FOR HEARING TODAY.

(8) **APPEAL NO. 08-061**

RICKEY BATES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	254 Beverly Street. Protesting the issuance on February 4, 2008, to Robert Char, Permit to Alter a Building (legalize existing family room, one bedroom, one full bath and storage room on ground floor; add one full bath in existing family room area). APPLICATION NO. 2008/02/04/3869. JURISDICTION GRANTED APRIL 9, 2008. FOR HEARING TODAY.

(9) **APPEAL NO. 08-062**

HEAVEN MINI THEATER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	483 Broadway aka 1054 Kearny Street. Appealing a Notice of Violation dated April 14, 2008, regarding the establishment of a non-authorized adult entertainment use at the second story of the subject property. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 12pm & 1pm – 5pm, 1660 Mission Street, Room 3036).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **July 11, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
TANYA PETERSON	**COMMISSIONER**
KENDALL GOH	**COMMISSIONER**
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SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

TAPES & TRANSCRIPTS OF MEETINGS & HEARINGS

Transcripts of hearings may be obtained from the Official Court Reporter, Easteller Bruihl, tel: 415.348.0050, fax: 415.348.0077.

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.

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Board of Appeals

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 16, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspector (DBI); Tina Tam, Senior Planner, Planning Department (DP); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:** .

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

None.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 770 - 18th Avenue. Appeal No 08-049, Lei vs. DBI, PCD, decided June 18, 2008. At that time, upon motion by President Garcia, the Board voted 4-0 to overrule the denial, and grant the permit with the following conditions. a) that an interconnected stairway be provided between the ground floor and second floor; b) that the full bath be changed to ½ bath at the ground floor; and c) that the exit from the ground floor to the street be eliminated; and with adoption of findings at a later date.

ACTION: Upon motion by Commissioner Peterson, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to adopt the findings as prepared by the Office of the City Attorney with no changes.

SPEAKERS: Daniel Frattin, attorney for appellant; Tina Tam, PD.

PUBLIC COMMENT: Ailene Coffino and Elena Rogan spoke in favor of the Planning Commission.

(5) **APPEAL NO. 07-152**

SHUFEN WU & YUPING MEI, Appellant(s) vs. DEPT OF BUILDING INSPECTION, Respondent	1734-1740 Mason Street. Protesting the issuance on August 23, 2007, to Quan/Mason Family Ltd Partnership, Permit to Alter a Building (on seven-unit apartment building: renewal of BPA No. 2005/11/03/7384 – revert illegal unit in basement to storage and ½ bath; no wet bar). APPLICATION NO. 2007/08/23/0753. FOR HEARING TODAY.

ACTION Upon motion by Vice President Fung, the Board voted 5 -0 to continue the matter to July 2009, with status reports from the parties due at that time.

SPEAKERS Shufen Wu, appellant (speaking through translator Dorothy Wong); Bill Quan, agent for permit holder; Tina Tam, PD; Laurence Konrfield, DBI.

PUBLIC COMMENT None.

(6) APPEAL NO. 08-042

LYNNE LOVE, Appellant(s) vs. DEPT OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1559 – 23rd Avenue. Protesting the issuance on March 11, 2008, to Lawrence Choy, Permit to Alter a Building (remodel existing kitchen and bathrooms at 2nd floor; two new bedrooms and two toilet rooms, and one storage room to be constructed at ground floor; replace beams; new rear deck attached to building at 2nd floor). APPLICATION NO. 2008/03/06/6499. FOR HEARING TODAY.

ACTION Upon motion by Vice President Fung, the Board voted 5 – 0 to uphold the permit on condition: that a non-transparent rail be applied to that portion of the deck railing that adjoins the appellant's property and that said rail be 6 feet tall.

SPEAKERS: Summer Bei, attorney for appellant; Lynne Love, appellant; permit holder did not appear.

PUBLIC COMMENT: None.

(7) APPEAL NO. 08-048

AUGUSTINE FALLAY, Appellant(s) vs. DEPT OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	337 – 28th Avenue. Protesting the issuance on March 26, 2008, of Permit to Alter a Building (comply with BID NOV No. 200343967; legalize work performed without permit including demolition of fourth floor penthouse less 10' X 20' and three story structure at south side, construction of replacement fourth story less 25' X 35', structural upgrades including foundation replacement, and new electrical and plumbing). APPLICATION NO. 2006/06/27/5202. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 1 (Commissioner Goh dissented) to uphold the permit.

SPEAKERS. Augustine Fallay, appellant; Michael Betz, attorney for permit holder; Jonas Ionin, PD.

PUBLIC COMMENT: Milton Tong and Tony Fu spoke in favor of the permit holder.

(8) APPEAL NO. 08-061

RICKEY BATES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	254 Beverly Street. Protesting the issuance on February 4, 2008, to Robert Char, Permit to Alter a Building (legalize existing family room, one bedroom, one full bath and storage room on ground floor; add one full bath in existing family room area). APPLICATION NO. 2008/02/04/3869. JURISDICTION GRANTED APRIL 9, 2008. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to reschedule the matter to 9/17/08.

SPEAKERS: Michael Hall, attorney for appellant; Steven MacDonald, attorney for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(9) APPEAL NO. 08-062

HEAVEN MINI THEATER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	483 Broadway aka 1054 Kearny Street. Appealing a Notice of Violation dated April 14, 2008, regarding the establishment of a non-authorized adult entertainment use at the second story of the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to uphold the Notice of Violation.

SPEAKERS: Tina Tam, PD; Jim Dudley, SFPD; Ed Del Carlo, SFPD; appellant did not appear.

PUBLIC COMMENT: Karl Pleskot spoke in favor of the Zoning Administrator.

ADJOURNMENT.

There being no further Business, President Garcia adjourned the meeting at 7:50 pm.

Board of Appeals

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July 23, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, JULY 23, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 9, 2008 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. NOV: regarding an unauthorized independent massage establishment use at the subject property.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 725 Folsom Street. Appeal No. 08-037 & 08-043, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to revoke the subject permit with adoption of findings at a later date. Permit Holder: Culinary Arts Studio. Project: tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café; BPA No. 2007/11/21/8738.

(5) **APPEAL NO. 08-029**

ROBERT MICHAEL FRIEDMAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Feb. 13, 2008, of A-Card (driver permit) No. 041990 and Medallion (taxi permit) No. 865. RESOLUTION NO. 2008-07. PUBLIC HEARING HELD & CLOSED ON JUNE 11, 2008. FOR FURTHER CONSIDERATION TODAY **Note: Matter continued to allow time for parties to submit additional information pursuant to the Board's comments.**

(6) **APPEAL NO. 08-065**

REZA GHORBANI, Appellant(s) vs TAXI COMMISSION, Respondent	Appealing the removal of Reza Ghorbani's name from the Public Convenience & Necessity Medallion Waiting List. LIST NO. 6-531. JURISDICTION GRANTED MAY 7, 2008. FOR HEARING TODAY.

(7) **APPEAL NO. 08-068**

SARA DURYEA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3363 Washington Street. Appealing the denial on May 7, 2008, of Permit to Remove & Replace One (1) Tree. ORDER NO. 177,535. FOR HEARING TODAY.

(8) **APPEAL NO. 08-064**

VERONICA RUEDRICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3467 – 19th Street. Protesting the issuance on April 25, 2008, to Kaushik Dattani, Permit to Alter a Building (re-texture of walls and ceilings; refinish wood flooring; change windows - two front windows, six side windows, size for size; no work on exterior; NOV No. 200851355. APPLICATION NO. 2008/04/25/0700. FOR HEARING TODAY.

(9) **APPEAL NO. 08-067**

CLAIRE BIGBIE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Determination Holder. TIM McMANUS	264 Clipper Street. Appealing a Letter of Determination dated May 2, 2008, regarding construction of a permanent skateboard ramp structure within the required rear yard of the subject property. FOR HEARING TODAY.

(10) **SPECIAL ITEM:**

LARGE TOURIST HOTEL CONVERSIONS. APPEAL PROCEDURES. Discussion and possible action to establish appeal procedures related to the following orders, requirements, decisions, or determinations made by the Zoning Administrator:

(a) Administrative Bulletin 2008-01 and subsequent corrections, rescissions, etc:

- Administrative Bulletin 2008-01;
- July 3, 2008 Correction to Bulletin 2008-01;
- July 14, 2008 Memo to the Board of Appeals (as it relates to Bulletin 2008-01);
- July 14, 2008 Correction Memo #2; and
- July 14, 2008 Draft Revision to Bulletin 2008-1

(b) Letter of Determination determining queue for processing and subsequent corrections, rescissions, etc:

- May 23, 2008 Letter of Determination determining queue for processing;
- July 14, 2008 Memo to the Board of Appeals (as it relates to the Letter of Determination); and
- July 14, 2008 Draft Revision to Attachment A of March (sic) 23, 2008 Letter of Determination

The Actions to be considered are as follows:

(1) To direct staff to accept appeals related to orders, requirements, decisions, or determinations listed under Items (a) and (b) for 15 additional days, which is August 7, 2008;

(2) To direct staff to impose one appeal fee per party for appeals of orders, requirements, decisions, or determinations listed under Item (a) and one appeal fee per party for appeals of orders, requirements, decisions, or determinations listed under Item (b);

(3) To consolidate all appeals for orders, requirements, decisions, or determinations listed under Items (a) and (b) and schedule the hearing for consolidated appeal for Oct. 1, 2008; and

(4) To set a briefing schedule for the Oct. 1, 2008 hearing as follows:

APPELLANTS' briefs due Sept. 4, 2008,
RESPONDENT/OTHER PARTIES' briefs due Sept. 18, 2008,
APPELLANTS' REPLY briefs due Sept. 25, 2008.

Note: The Board may take action to adopt some or all of the appeal procedures described above or may modify some or all of them.

Explanatory Documents: Documents listed under Items (a) and (b) are posted at the Planning Department website at: www.sfgov.org?site/planning_index.asp?id=81515

ADJOURNMENT.

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Date posted: **July 18, 2008**

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MICHAEL GARCIA	PRESIDENT
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SUGGESTIONS TO IMPROVE EFFICIENCY

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fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, JULY 23, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Commissioner Tanya Peterson, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosh, Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Carla Short, Urban Forrester, Dept. of Public Works Bureau of Urban Forestry (DPW BUF); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

ABSENT: Vice President Frank Fung.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: Carl Macmurdo.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

DOCUMENTS DEPT

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 9, 2008 minutes.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 4 – 0 – 1 (Vice President Fung absent) to adopt the July 9, 2008 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. NOV: regarding an unauthorized independent massage establishment use at the subject property.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Vice President Fung absent) to reschedule the matter to August 6, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 725 Folsom Street. Appeal No. 08-037 & 08-043, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to revoke the subject permit with adoption of findings at a later date. Permit Holder: Culinary Arts Studio. Project: tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café; BPA No. 2007/11/21/8738.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Vice President Fung absent) to reschedule the matter to August 6, 2008, with the consent of both parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 08-029**

ROBERT MICHAEL FRIEDMAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Feb. 13, 2008, of A-Card (driver permit) No. 041990 and Medallion (taxi permit) No. 865. RESOLUTION NO. 2008-07. PUBLIC HEARING HELD & CLOSED ON JUNE 11, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to submit additional information pursuant to the Board's comments.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Vice President Fung absent) to uphold the revocation of both the A-Card (driver permit) and medallion (taxi permit).

SPEAKERS: Jordanna Thigpen, TC; Geoffrey Rotwein, attorney for appellant; Jeanne Schlotz, SFPD.

PUBLIC COMMENT: The following people spoke in favor of the Taxi Commission: Charles Rathbone, Mark Gruberg, Barry Taranto, Rua Graffis, and Joan Simon. The following people spoke in favor of the appellant: Sheree Howe, Carl Macmurdo, Susan Fenn, Dan Hinds, and Jane Bolig.

(6) **APPEAL NO. 08-065**

REZA GHORBANI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the removal of Reza Ghorbani's name from the Public Convenience & Necessity Medallion Waiting List. LIST NO. 6-531. JURISDICTION GRANTED MAY 7, 2008. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 4 – 0 – 1 (Vice President Fung absent) to uphold the name removal.

SPEAKERS: Jordanna Thigpen, TC; Reza Ghorbani, appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-068**

SARA DURYEA, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	3363 Washington Street. Appealing the denial on May 7, 2008, of Permit to Remove & Replace One (1) Tree. ORDER NO. 177,535. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 2 – 2 – 1 (Commissioners Goh and Mandelman dissented, Vice President Fung absent) to overrule the denial, grant the permit on condition that the replacement trees be of a 36" box size, with species to be determined by DPW BUF. Four votes being required to overturn or modify a departmental action, the denial was upheld.

SPEAKERS: Carla Short, DPW BUF; Sara Duryea, appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-064**

VERONICA RUEDRICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3467 – 19th Street. Protesting the issuance on April 25, 2008, to Kaushik Dattani, Permit to Alter a Building (re-texture of walls and ceilings; refinish wood flooring; change windows - two front windows, six side windows, size for size; no work on exterior; NOV No. 200851355. APPLICATION NO. 2008/04/25/0700. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 3 – 0 – 2 (Vice President Fung and Commissioner Mandelman absent) to reschedule the matter to August 6, 2008.

SPEAKERS: Steve Collier, attorney for appellant; Augustine Fallay, agent for permit holder.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-067**

CLAIRE BIGBIE, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Determination Holder: TIM McMANUS	264 Clipper Street. Appealing a Letter of Determination dated May 2, 2008, regarding construction of a permanent skateboard ramp structure within the required rear yard of the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Peterson, the Board voted 4 – 0 – 1 (Vice President Fung absent) to uphold the Letter of Determination.

SPEAKERS: Appellant did not appear. Determination Holder was present in the audience.

PUBLIC COMMENT: None.

(10) **SPECIAL ITEM:**

LARGE TOURIST HOTEL CONVERSIONS. APPEAL PROCEDURES. Discussion and possible action to establish appeal procedures related to the following orders, requirements, decisions, or determinations made by the Zoning Administrator:

(a) Administrative Bulletin 2008-01 and subsequent corrections, rescissions, etc:

- Administrative Bulletin 2008-01;
- July 3, 2008 Correction to Bulletin 2008-01;
- July 14, 2008 Memo to the Board of Appeals (as it relates to Bulletin 2008-01);
- July 14, 2008 Correction Memo #2; and
- July 14, 2008 Draft Revision to Bulletin 2008-1

(b) Letter of Determination determining queue for processing and subsequent corrections, rescissions, etc:

- May 23, 2008 Letter of Determination determining queue for processing;
- July 14, 2008 Memo to the Board of Appeals (as it relates to the Letter of Determination); and
- July 14, 2008 Draft Revision to Attachment A of March (sic) 23, 2008 Letter of Determination

The Actions to be considered are as follows:

(1) To direct staff to accept appeals related to orders, requirements, decisions, or determinations listed under Items (a) and (b) for 15 additional days, which is August 7, 2008;

(2) To direct staff to impose one appeal fee per party for appeals of orders, requirements, decisions, or determinations listed under Item (a) and one appeal fee per party for appeals of orders, requirements, decisions, or determinations listed under Item (b);

(3) To consolidate all appeals for orders, requirements, decisions, or determinations listed under Items (a) and (b) and schedule the hearing for consolidated appeal for Oct. 1, 2008; and

(4) To set a briefing schedule for the Oct. 1, 2008 hearing as follows:

APPELLANTS' briefs due Sept. 4, 2008,
RESPONDENT/OTHER PARTIES' briefs due Sept. 18, 2008,
APPELLANTS' REPLY briefs due Sept. 25, 2008.

Note: The Board may take action to adopt some or all of the appeal procedures described above or may modify some or all of them.

Explanatory Documents: Documents listed under Items (a) and (b) are posted at the Planning Department website at: www.sfgov.org?site/planning_index.asp?id=81515

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 – 2 (Vice President Fung and Commissioner Mandelman absent) to adopt the OCA proposal.

SPEAKERS: Cathy Barnes, OCA.

PUBLIC COMMENT: Sue Hestor, attorney for UNITE Local 2; Steven Vettel, attorney for Grand Hyatt Hotel; Michael Burke, attorney for St. Francis Hotel; Anne Marie Rodgers, PD.

There being no further business, President Garcia adjourned the meeting at 7:20 p.m.

Board of Appeals

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July 30, 2008 (No Meeting)

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PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for July 30, 2008. The next regular meeting is scheduled for **Wednesday, August 6, 2008, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted **July 25, 2008**

Board of Appeals

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August 6, 2008

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 6, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 16 and July 23, 2008 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. **NOV**: regarding an unauthorized independent massage establishment use at the subject property

(4b) **ADOPTION OF FINDINGS:**

Subject property at 725 Folsom Street. Appeal No. 08-037 & 08-043, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to revoke the subject permit with adoption of findings at a later date. Permit Holder: Culinary Arts Studio. Project: tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café; BPA No. 2007/11/21/8738.

(5) **APPEAL NO. 08-064**

VERONICA RUEDRICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3467 – 19th Street. Protesting the issuance on April 25, 2008, to Kaushik Dattani, Permit to Alter a Building (re-texture of walls and ceilings; refinish wood flooring; change windows - two front windows, six side windows, size for size; no work on exterior, NOV No 200851355. APPLICATION NO. 2008/04/25/0700. FOR HEARING TODAY

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 07-130**

GRASSHOPPER ALEC KAPLAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the summary suspension on July 27, 2007, of Color Scheme Permit, Taxicab Medallion No. 9062, and A-Card No. P44-50373. FOR HEARING TODAY. **Note: Matter rescheduled to Call of Chair at request of both parties.**

(6B) **APPEAL NO. 08-053**

GRASSHOPPER ALEC KAPLAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Feb. 13, 2008, of Color Scheme Permit, Taxicab Medallion No. 9062, and A-Card No. P44-50373. JURISDICTION GRANTED APRIL 2, 2008. FOR HEARING TODAY.

(7) **APPEAL NO. 08-071**

YOUNG K. YI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the removal on May 14, 2008, of Young K. Yi's name from the Public Convenience & Necessity Medallion Waiting List. LIST NO. 6-544. FOR HEARING TODAY.

ITEMS (8A), (8B), (8C) & (8D) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 08-072**

ROBERT BAUM, Appellant(s) vs DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83-85 Brady Street. Protesting the issuance on May 6, 2008, to Jess & Yolanda Aquino, Permit to Erect a Building (five-story, six-unit building with 2,268sf of ground floor area). APPLICATION NO. 2005/09/15/2957. FOR HEARING TODAY.

(8B) **APPEAL NO. 08-073**

ROBERT BAUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83-85 Brady Street. Protesting the issuance on May 6, 2008, to Jess & Yolanda Aquino, Permit to Demolish a Building (two-story, commercial and residential building with 1,695sf of ground floor area). APPLICATION NO. 2005/09/15/2951. FOR HEARING TODAY.

(8C) **APPEAL NO. 08-074**

DAVID MAYOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83-85 Brady Street. Protesting the issuance on May 6, 2008, to Jess & Yolanda Aquino, Permit to Erect a Building (five-story, six-unit building with 2,268sf of ground floor area). APPLICATION NO. 2005/09/15/2957. FOR HEARING TODAY.

(8D) **APPEAL NO. 08-075**

DAVID MAYOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83-85 Brady Street. Protesting the issuance on May 6, 2008, to Jess & Yolanda Aquino, Permit to Demolish a Building (two-story, commercial and residential building with 1,695sf of ground floor area). APPLICATION NO. 2005/09/15/2951. FOR HEARING TODAY.

(9) **APPEAL NO. 08-076**

SHERMAN WON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	700 – 31st Avenue. Appealing a Letter of Determination dated May 13, 2008, regarding the disapproval by the Planning Department of BPA No. 2008/03/17/7296 to legalize the removal of 52 original, wood-framed windows and the installation of 52 vinyl-framed windows at the subject property. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief, 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 12pm & 1pm – 5pm, 1660 Mission Street, Room 3036).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Mon. – Fri., 8am – 12pm & 1pm – 5pm, 1660 Mission Street, Room 3036).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 1, 2008**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1660 Mission Street, Room 3036
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 6, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Spencer Gosh, Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

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(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the July 16 and July 23, 2008 minutes.

ACTION: Upon motion by Commissioner Peterson, the Board voted 5 – 0 to adopt the July 16 and July 23, 2008 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. NOV: regarding an unauthorized independent massage establishment use at the subject property.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to August 13, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4b) **ADOPTION OF FINDINGS:**

Subject property at 725 Folsom Street. Appeal No. 08-037 & 08-043, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to revoke the subject permit with adoption of findings at a later date. Permit Holder: Culinary Arts Studio. Project: tenancy improvements to establish a production catering kitchen with miscellaneous storage etc... at street level; dining room and café; BPA No. 2007/11/21/8738.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the findings prepared by OCA with no changes.

SPEAKERS: Curtis Smolar, attorney for appellant; Jesse Branstetter, agent for permit holder.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 08-064**

VERONICA RUEDRICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3467 – 19th Street. Protesting the issuance on April 25, 2008, to Kaushik Dattani, Permit to Alter a Building (re-texture of walls and ceilings; refinish wood flooring; change windows - two front windows, six side windows, size for size; no work on exterior; NOV No. 200851355. APPLICATION NO. 2008/04/25/0700. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to continue the matter to December 10, 2008, in order to await the termination of appellant's tenancy.

SPEAKERS: Stephen Collier, attorney for appellant; Veronica Ruedrich, appellant; Spencer Gosh, DBI; Augustine Fallay, agent for permit holder.

PUBLIC COMMENT: Hilda-Luisa Vasquez, spoke in favor of the appellant.

ITEMS (6A) & (6B) SHALL BE HEARD TOGETHER:

(6A) **APPEAL NO. 07-130**

GRASSHOPPER ALEC KAPLAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the summary suspension on July 27, 2007, of Color Scheme Permit, Taxicab Medallion No. 9062, and A-Card No. P44-50373. FOR HEARING TODAY. **Note: Matter rescheduled to Call of Chair at request of both parties.**

(6B) **APPEAL NO. 08-053**

GRASSHOPPER ALEC KAPLAN, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Feb. 13, 2008, of Color Scheme Permit, Taxicab Medallion No. 9062, and A-Card No. P44-50373. JURISDICTION GRANTED APRIL 2, 2008. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to uphold the summary suspension and revocation of the subject A-card, medallion and color scheme permit.

SPEAKERS: Jordanna Thigpen, TC; Ron Reynolds, SFPD; Zadik Shapiro, attorney for appellant; G. A. Kaplan, appellant.

PUBLIC COMMENT: The following people spoke in favor of the Taxi Commission: Richard Hybels, Jim Holmes, and Mark Gruberg. The following spoke in favor of the appellant: Stephen Murray and Guy Carson.

(7) **APPEAL NO. 08-071**

YOUNG K. YI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the removal on May 14, 2008, of Young K. Yi's name from the Public Convenience & Necessity Medallion Waiting List. LIST NO. 6-544. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to overrule the name removal, and restore appellant's name to the top of the medallion waiting list, with adoption of findings at a later date.

SPEAKERS: Jordanna Thigpen, TC; Young K. Yi, appellant; Yehji Yi, daughter of appellant.

PUBLIC COMMENT: Mark Gruberg, spoke in favor of the appellant.

ITEMS (8A), (8B), (8C) & (8D) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 08-072**

ROBERT BAUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83-85 Brady Street. Protesting the issuance on May 6, 2008, to Jess & Yolanda Aquino, Permit to Erect a Building (five-story, six-unit building with 2,268sf of ground floor area). APPLICATION NO. 2005/09/15/2957. FOR HEARING TODAY.

(8B) **APPEAL NO. 08-073**

ROBERT BAUM, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83-85 Brady Street. Protesting the issuance on May 6, 2008, to Jess & Yolanda Aquino, Permit to Demolish a Building (two-story, commercial and residential building with 1,695sf of ground floor area). APPLICATION NO. 2005/09/15/2951. FOR HEARING TODAY.

(8C) **APPEAL NO. 08-074**

DAVID MAYOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83-85 Brady Street. Protesting the issuance on May 6, 2008, to Jess & Yolanda Aquino, Permit to Erect a Building (five-story, six-unit building with 2,268sf of ground floor area). APPLICATION NO. 2005/09/15/2957. FOR HEARING TODAY.

(8D) **APPEAL NO. 08-075**

DAVID MAYOR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	83-85 Brady Street. Protesting the issuance on May 6, 2008, to Jess & Yolanda Aquino, Permit to Demolish a Building (two-story, commercial and residential building with 1,695sf of ground floor area).

	APPLICATION NO. 2005/09/15/2951. FOR HEARING TODAY.

ACTION: Appeals dismissed for underlying conditional use authorization; pursuant to Sec. 4.106b of City Charter.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-076**

SHERMAN WON, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	700 – 31st Avenue. Appealing a Letter of Determination dated May 13, 2008, regarding the disapproval by the Planning Department of BPA No. 2008/03/17/7296 to legalize the removal of 52 original, wood-framed windows and the installation of 52 vinyl-framed windows at the subject property. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to overrule the Letter of Determination, with adoption of findings and conditions at a later date. Four votes being required to overturn a departmental action, the Letter of Determination was upheld.

SPEAKERS: Tina Tam, PD; Robin Won, agent for appellant.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 8:15 p.m.

Board of Appeals

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August 13, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 13, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3622 â€" 22nd Street. Permit issued on Jan. 4, 2008. Last day to appeal was Jan. 22, 2008. Jurisdiction request received on July 24, 2008. Letter from Karen & Peter Birmingham, requestors, asking that the Board take jurisdiction over BPA No. 2007/12/19/0855. Permit Holder: Douglas Durkin. Project: comply with NOV No. 20072411; modification to BPA No. 2004/10/04/5856.

(4b) REHEARING REQUEST:

Subject property at 483 Broadway aka 1054 Kearny Street. Appeal No. 08-062, Heaven Mini-Theater vs. ZA, decided July 16, 2008. At that time, upon motion by Vice President Fung, the Board voted 5-0 to uphold the subject Notice of Violation regarding the establishment of a non-authorized adult entertainment use at the second story of the subject property.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. NOV: regarding an unauthorized independent massage establishment use at the subject property.

(5) **APPEAL NO. 08-084**

RACHEL ABRAHAM POLLARD, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1306 McAllister Street. Appealing the conditions placed on a Tree Removal Permit. ORDER NO. 177,353 (REVISED). JURISDICTION GRANTED JUNE 4, 2008. FOR HEARING TODAY.

(6) APPEAL NO. 08-054

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. FOR HEARING TODAY.

(7) APPEAL NO. 08-079

BILL SCHMETTERER dba "HAPPENING VENTURES", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	529-531 Clayton Street. Appealing a Letter of Determination dated May 14, 2008, regarding the current legal use on record of the subject property. FOR HEARING TODAY.

(8) APPEAL NO. 08-082

ERIC TANG, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	519 Ellis Street / 430 Eddy Street. Appealing a Letter of Determination dated May 20, 2008, regarding a request for extension of the Conditional Use (CU) authorizations at both subject properties. FOR HEARING TODAY.

ADJOURNMENT

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellantâ€™s Brief; 2) Permit Holder's, Respondentâ€™s or Other Partiesâ€™ Brief; 3) Appellantâ€™s Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. â€" Fri., 8am â€" 12pm & 1pm â€" 5pm, 1660 Mission Street, Room 3036).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Mon. â€" Fri., 8am â€" 12pm & 1pm â€" 5pm, 1660 Mission Street, Room 3036).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 8, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

Mailed notices of public hearings on appeals are sent to all parties at least five days prior to the date of hearing. In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

Briefs are limited to twelve pages, excluding exhibits, which should be tabbed for easy reference. The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled to a later date prior to hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please
contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the office, and on the web site.

AUDIOTAPES AND DVDâ€™S OF MEETINGS

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information.
DVDâ€™s of meetings may be obtained from SFGTV, Channel 26. Please telephone 415-554-4188 for information.

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 13, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Carla Short, Chief Forrester, Dept. of Public Works Bureau of Urban Forestry (DPW BUF); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

ABSENT: Commissioner Kendall Goh.

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(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

None.

(4) **ADDENDUM ITEMS:**

(4a) **JURISDICTION REQUEST:**

Subject property at 3622 – 22nd Street. Permit issued on Jan. 4, 2008. Last day to appeal was Jan. 22, 2008. Jurisdiction request received on July 24, 2008. Letter from Karen & Peter Birmingham, requestors, asking that the Board take jurisdiction over BPA No. 2007/12/19/0855. Permit Holder: Douglas Durkin. Project: comply with NOV No. 20072411; modification to BPA No. 2004/10/04/5856.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Goh absent) to deny the jurisdiction request.

SPEAKERS: Karen Birmingham, requestor; David Tornheim, agent for requestor; Brian Soriano, attorney for permit holder; Laurence Kornfield, DBI; Tina Tam, PD.

PUBLIC COMMENT: None.

(4b) **REHEARING REQUEST:**

Subject property at 483 Broadway aka 1054 Kearny Street. Appeal No. 08-062, Heaven Mini-Theater vs. ZA, decided July 16, 2008. At that time, upon motion by Vice President Fung, the Board voted 5-0 to uphold the subject Notice of Violation regarding the establishment of a non-authorized adult entertainment use at the second story of the subject property.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Goh absent) to grant the rehearing request, and to schedule the rehearing for October 15, 2008.

SPEAKERS: Terrance Hallinan, attorney for appellant; Brendan Hallinan, attorney for appellant; Tina Tam, PD.

PUBLIC COMMENT: None.

(4c) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. NOV: regarding an unauthorized independent massage establishment use at the subject property.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Goh absent) to reschedule the matter to October 1, 2008.

SPEAKERS: Tina Tam, PD; Brett Gladstone, attorney for appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 08-084**

RACHEL ABRAHAM POLLARD, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	1306 McAllister Street. Appealing the conditions placed on a Tree Removal Permit. ORDER NO. 177,353 (REVISED). JURISDICTION GRANTED JUNE 4, 2008. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 0 – 1 (Commissioner Goh absent) to uphold the permit, on condition that the replacement tree be planted on the adjacent property, that the appellant provide for maintenance of said replacement tree for three (3) years, and if the planting of said replacement tree is determined to be not feasible by DPW BUF, then the DPW BUF may impose on the appellant an in-lieu fee of $1,989 (nineteen-hundred eighty-nine dollars) and on condition that DPW BUF make this determination of feasibility within 90 days of release of the notice of decision.

SPEAKERS: Carla Short, DPW BUF; Rachel Abraham-Pollard, appellant; Naomi Weinstein, co-owner of subject property.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 08-054**

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Goh absent) to continue the matter to December 10, 2008, with the public hearing held and closed, to allow time for the appellant to submit additional documents pursuant to the Board's comments.

SPEAKERS: Sasha Penn, agent for appellant; Tina Tam, PD.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-079**

BILL SCHMETTERER dba "HAPPENING VENTURES", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	529-531 Clayton Street. Appealing a Letter of Determination dated May 14, 2008, regarding the current legal use on record of the subject property. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 3 – 1 – 1 (Commissioner Mandelman dissented, Commissioner Goh absent) to overrule the Letter of Determination with adoption of findings at a later time. The vote was rescinded. Afterwards, upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Goh absent) to continue the matter to August 20, 2008, with the public hearing held and closed, to await the presence of Commissioner Goh.

SPEAKERS: Tina Tam, PD; Brett Gladstone, attorney for appellant; Mark Waldman, agent for appellant; Bill Schmetterer, appellant.

PUBLIC COMMENT: Doerte Murray spoke in favor of the Zoning Administrator.

(8) **APPEAL NO. 08-082**

ERIC TANG, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	519 Ellis Street / 430 Eddy Street. Appealing a Letter of Determination dated May 20, 2008, regarding a request for extension of the Conditional Use (CU) authorizations at both subject properties. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Goh absent) to overrule the Letter of Determination with a finding that the good cause extension is implied in the subject conditional use authorizations.

SPEAKERS: Tina Tam, PD; Steve Vettel, attorney for appellant; Eric Tang, appellant.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 8:25 p.m.

Board of Appeals

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August 20, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, AUGUST 20, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **CLOSED SESSION:**

PUBLIC EMPLOYEE APPOINTMENT- Executive Director, Board of Appeals - ACTION

Open Session:

Public Comment (on all matters pertaining to the closed session item)

- Vote on whether to hold closed session pursuant to CA Gov't. Code Â§ 54957(b)(1) and SF Admin. Code Â§67.10(b)

- Closed Session to evaluate written job applications

- Reconvene in Open Session:

(The Board shall reconvene no earlier than 6:00 PM or as soon thereafter as the closed session agenda is completed)

a) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).

b) Disclosure of action taken in closed session.

(4) **SPECIAL ITEM:**

Executive Director, Board of Appeals; Selection Procedures - ACTION

Discussion and possible action to approve procedures for selecting Executive Director, Board of Appeals, including, but not limited to, setting dates and times for and creation of a subcommittee of the Board to interview candidates and recommend finalists to the Board.

(5) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 6, 2008 minutes.

(6) **ADDENDUM ITEMS:**

(6a) **JURISDICTION REQUEST:**

Subject property at 855 Sacramento Street. Letter from Don Whitney, requesting that the Board take jurisdiction over BPA No. 2008/03/21/7715, issued on July 1, 2008, to YMCA of San Francisco. Project: add new three-story building with natatorium at ground level, health/fitness facilities on 2nd and 3rd floors; remodel existing four-story building as locker facilities on ground level, YMCA community center on 1st and 2nd levels, and residential SRO on 3rd level; comply with various NOVâ€™s. **Note: Appeal No. 08-113 was filed against the same building permit by Stephen Lee on a timely basis on July 15, 2008, but was administratively dismissed on Aug. 7, 2008 because Board staff verified with the Planning Department that the project had received a Conditional Use authorization.**

(6b) **ADOPTION OF FINDINGS:**

Appeal No. 08-071, Young K. Yi vs. Taxi Commission. Decided August 6, 2008. At that time, upon motion by

Commissioner Mandelman, the Board voted 5-0 to overrule the name removal, and to restore the appellantâ€™s name to the top of the medallion waiting list, with adoption of findings at a later date.

(7) **APPEAL NO. 08-079**

BILL SCHMETTERER dba "HAPPENING VENTURES", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	529-531 Clayton Street. Appealing a Letter of Determination dated May 14, 2008, regarding the current legal use on record of the subject property. PUBLIC HEARING HELD & CLOSED ON AUGUST 13, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow Commissioner Goh to participate in the final vote.**

(8) **APPEAL NO. 08-085**

KHALDOUN SUKKAR, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing a Determination of Ineligibility for Ramp Taxi Medallion, dated Dec. 14, 2007. JURISDICTION GRANTED JUNE 4, 2008. FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER.

(9A) APPEAL NO. 08-051

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960 Golden Gate Avenue. Protesting the issuance on April 3, 2008, to James Ulahue, Permit to Alter a Building (remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995). APPLICATION NO. 2008/01/28/3333. FOR HEARING TODAY.

(9B) **APPEAL NO. 08-052**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue aka 800-808 Lyon Street. Protesting the issuance on April 3, 2008, to Prana Eight Properties LLC, Permit to Alter a Building (comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; remove deck with invalid easement over adjacent property [separate permit]; provide fire escape to provide 2nd means of egress). APPLICATION NO. 2008/02/05/3995. FOR HEARING TODAY.

(10) **APPEAL NO. 08-078**

JOE TIERNEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1250/1260 Missouri Street. Appealing a Stop Work Order Request dated May 14, 2008, addressed to the Director of the Dept. of Building Inspection, requesting that certain construction work under BPA No. 9820407 be suspended because said work exceeds the scope of work approved by the Planning Department. FOR HEARING TODAY.

ADJOURNMENT

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **August 15, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
TANYA PETERSON	**COMMISSIONER**
KENDALL GOH	**COMMISSIONER**

RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

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SPECIAL NOTES

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The complete Rules of the Board are available for review at the Board office, and on our website.
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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, AUGUST 20, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Larry Badiner, Zoning Administrator, Planning Department (ZA); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Victor Pacheco, Interim Dept. Head.

ABSENT: Manuel Payes, Clerk Typist.

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8/20/08

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **CLOSED SESSION:**

PUBLIC EMPLOYEE APPOINTMENT- Executive Director, Board of Appeals - ACTION
Open Session:
Public Comment (on all matters pertaining to the closed session item)
- Vote on whether to hold closed session pursuant to CA Gov't. Code § 54957(b)(1) and SF Admin. Code §67.10(b)
- Closed Session to evaluate written job applications
- Reconvene in Open Session:
(The Board shall reconvene no earlier than 6:00 PM or as soon thereafter as the closed session agenda is completed)
a) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).
b) Disclosure of action taken in closed session.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to convene in closed session. Afterwards, upon motion by President Garcia, the Board voted 5 – 0 to not disclose the content of the discussions.

(4) **SPECIAL ITEM:**

Executive Director, Board of Appeals; Selection Procedures - ACTION
Discussion and possible action to approve procedures for selecting Executive Director, Board of Appeals, including, but not limited to, setting dates and times for and creation of a subcommittee of the Board to interview candidates and recommend finalists to the Board.

ACTION: None.

(5) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 6, 2008 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the 08/06/08 minutes.

(6) **ADDENDUM ITEMS:**

(6a) **JURISDICTION REQUEST:**

Subject property at 855 Sacramento Street. Letter from Don Whitney, requesting that the Board take jurisdiction over BPA No. 2008/03/21/7715, issued on July 1, 2008, to YMCA of San Francisco. Project: add new three-story building with natatorium at ground level, health/fitness facilities on 2nd and 3rd floors; remodel existing four-story building as locker facilities on ground level, YMCA community center on 1st and 2nd levels, and residential SRO on 3rd level; comply with various NOV's. **Note: Appeal No. 08-113 was filed against the same building permit by Stephen Lee on a timely basis on July 15, 2008, but was administratively dismissed on Aug. 7, 2008 because Board staff verified with the Planning Department that the project had received a Conditional Use authorization.**

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to recuse Vice President Fung. Afterwards, upon motion by President Garcia, the Board voted 4 – 0 – 1 (Vice President Fung recused) to deny the jurisdiction request.

SPEAKERS: Don Whitney, requestor; Cathy Barnes, OCA; Laurence Kornfield, DBI; Larry Badiner, ZA.

PUBLIC COMMENT: None.

(6b) **ADOPTION OF FINDINGS:**

Appeal No. 08-071, Young K. Yi vs. Taxi Commission. Decided August 6, 2008. At that time, upon motion by Commissioner Mandelman, the Board voted 5-0 to overrule the name removal, and to restore the appellant's name to the top of the medallion waiting list, with adoption of findings at a later date.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the findings as amended.

SPEAKERS: Jordanna Thigpen, TC.

PUBLIC COMMENT: Mark Gruberg spoke in favor of the appellant.

(7) **APPEAL NO. 08-079**

BILL SCHMETTERER dba "HAPPENING VENTURES", Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	529-531 Clayton Street. Appealing a Letter of Determination dated May 14, 2008, regarding the current legal use on record of the subject property. PUBLIC HEARING HELD & CLOSED ON AUGUST 13, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow Commissioner Goh to participate in the final vote.**

ACTION: Upon motion by Commissioner Goh, the Board voted 5 – 0 to overrule the Letter of Determination with adoption of findings at a later date.

SPEAKERS: Larry Badiner, ZA; Brett Gladstone, attorney for appellant; Bill Schmetterer, appellant.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-085**

KHALDOUN SUKKAR, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing a Determination of Ineligibility for Ramp Taxi Medallion, dated Dec. 14, 2007. JURISDICTION GRANTED JUNE 4, 2008. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Peterson dissented) to overrule the determination of ineligibility with a finding that there is adequate evidence of the appellant's absence from the country during the time of the TC's mailed notification, and with a further finding that the Board makes no determinations as to the appellant's qualification for a ramp taxi medallion.

SPEAKERS: Jordanna Thigpen, TC; Khaldoun Sukhar, appellant.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Mark Gruberg and Refall Alrefall.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 08-051**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960 Golden Gate Avenue. Protesting the issuance on April 3, 2008, to James Ulahue, Permit to Alter a Building (remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995). APPLICATION NO. 2008/01/28/3333. FOR HEARING TODAY.

(9B) **APPEAL NO. 08-052**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue aka 800-808 Lyon Street. Protesting the issuance on April 3, 2008, to Prana Eight Properties LLC, Permit to Alter a Building (comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; remove deck with invalid easement over adjacent property [separate permit]; provide fire escape to provide 2nd means of egress). APPLICATION NO. 2008/02/05/3995. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to reschedule the matter to 09/10/08, pending the outcome of the CEQA appeal at the Board of Supervisors.

SPEAKERS: Raquel Fox, attorney for appellants; Andrew Zacks, attorney for permit holder.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-078**

JOE TIERNEY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1250/1260 Missouri Street. Appealing a Stop Work Order Request dated May 14, 2008, addressed to the Director of the Dept. of Building Inspection, requesting that certain construction work under BPA No. 9820407 be suspended because said work exceeds the scope of work approved by the Planning Department. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to uphold the stop work order request.

SPEAKERS: Larry Badiner, ZA; Joseph Tierney, appellant; Michael Leavitt, agent for appellant; Sia Tahbazof, agent for appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: The following people spoke in favor of the ZA: Sue Hestor, Joe Boss, Keith Goldstein, Dick Millet, and Tony Kelly.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 9:35 p.m.

Board of Appeals

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August 27, 2008 (No Meeting)

PUBLIC NOTICE

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The Board of Appeals has not scheduled a meeting for Aug. 27, 2008 or Sept. 3, 2008. The next regular meeting is scheduled for **Wednesday, Sept. 10, 2008, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.
Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.
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Sincerely,
BOARD STAFF

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Date Posted: **Aug. 21, 2008**

Board of Appeals

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September 10, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 10, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **CLOSED SESSION:**

PUBLIC EMPLOYEE APPOINTMENT- Executive Director, Board of Appeals - ACTION
Open Session:
Public Comment (on all matters pertaining to the closed session item)
- Vote on whether to hold closed session pursuant to CA Gov't. Code Â§ 54957(b)(1) and SF Admin. Code Â§67.10(b)
- Closed Session to evaluate written job applications
- Reconvene in Open Session:
(The Board shall reconvene no earlier than 6:00 PM or as soon thereafter as the closed session agenda is completed)
a) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).
b) Disclosure of action taken in closed session.

(2) **SPECIAL ITEM:**

Executive Director, Board of Appeals; Selection Procedures - ACTION
Discussion and possible action to approve procedures for selecting Executive Director, Board of Appeals, including, but not limited to, setting dates and times for and creation of a subcommittee of the Board to interview candidates and recommend finalists to the Board.

(3) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

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(4) **COMMMISSIONERS COMMENTS & QUESTIONS:**

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(5) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 13, 2008 and August 20, 2008 minutes.

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(6) **ADDENDUM ITEMS:** None.

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ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:
(7A) **APPEAL NO. 08-051**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960 Golden Gate Avenue. Protesting the issuance on April 3, 2008, to James Ulahue, Permit to Alter a Building (remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995). APPLICATION NO. 2008/01/28/3333. FOR HEARING TODAY. **Note: Matter continued to await**

	outcome of CEQA appeal at Board of Supervisors.

(7B) **APPEAL NO. 08-052**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue aka 800-808 Lyon Street. Protesting the issuance on April 3, 2008, to Prana Eight Properties LLC, Permit to Alter a Building (comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; remove deck with invalid easement over adjacent property [separate permit]; provide fire escape to provide 2nd means of egress). APPLICATION NO. 2008/02/05/3995. FOR HEARING TODAY. **Note: Matter continued to await outcome of CEQA appeal at Board of Supervisors.**

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ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER.

(8A) APPEAL NO. 08-105

ELIZABETH PAIK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	430 Arch Street. Appealing the imposition of penalty on June 13, 2008, for construction work done without a permit. APPLICATION NO. 2008/06/02/3380. FOR HEARING TODAY.

(8B) APPEAL NO. 08-110

ELIZABETH PAIK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	430 Arch Street. Appealing the imposition of penalty on June 25, 2008, for plumbing work done without a permit. APPLICATION NO. PP2008/06/25/926. FOR HEARING TODAY.

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(9) APPEAL NO. 08-112

ELLEN GALANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	32 Sala Terrace. Appealing the imposition of penalty on June 27, 2008, for construction work done without a permit. APPLICATION NO. 2008/06/26/5427. FOR HEARING TODAY.

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(10) APPEAL NO. 08-100

WELL-CARE ACUPUNCTURE & HEALTH CENTER INC.,, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4726 Geary Boulevard. Appealing a Notice of Violation dated March 19, 2008, regarding the operation of an unauthorized massage establishment at the subject property. JURISDICTION GRANTED JUNE 4, 2008. FOR HEARING TODAY.

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(11) APPEAL NO. 08-103

CUSTOM EXTERIORS INC. , Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	710 Powell Street. Appealing the denial on June 16, 2008, of Permit to Alter a Building (replace 113 windows in 16 suites and other shared areas of building). APPLICATION NO. 2007/06/21/4675. FOR HEARING TODAY.

-

(12) APPEAL NO. 08-104

THEA SELBY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	442 Haight Street. Protesting the issuance on May 6, 2008, to Harvey Rudman, Permit to Alter a Building (legalization of an existing medical cannabis dispensary; no physical alteration to existing space). APPLICATION NO. 2007/05/18/1718S. JURISDICTION GRANTED JUNE 18, 2008. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellantâ€™s Brief; 2) Permit Holder's, Respondentâ€™s or Other Partiesâ€™ Brief; 3) Appellantâ€™s Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence.

These items are available for public inspection at the Board's office during normal office hours (Mon. â€" Fri., 8am â€" 12pm & 1pm â€" 5pm, 1660 Mission Street, Room 3036).
Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Mon. â€" Fri., 8am â€" 12pm & 1pm â€" 5pm, 1660 Mission Street, Room 3036).
Please call 415-575-6880 if you have any questions concerning this agenda.
Date posted: **Sept. 5, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER
*** VACANT SEAT ***	COMMISSIONER
*** VACANT SEAT ***	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.
The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.
In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.
Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa
The complete Rules of the Board are available for review at the Board office, and on our website.
Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.
Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.
Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 10, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Victor Pacheco, Interim Department Head; Manuel Payes, Clerk Typist.

NOTE: The Board Currently has two vacancies.

(1) **CLOSED SESSION:**

PUBLIC EMPLOYEE APPOINTMENT- Executive Director, Board of Appeals - ACTION
Open Session:
Public Comment (on all matters pertaining to the closed session item)
- Vote on whether to hold closed session pursuant to CA Gov't. Code § 54957(b)(1) and SF Admin. Code §67.10(b)
- Closed Session to evaluate written job applications
- Reconvene in Open Session:
(The Board shall reconvene no earlier than 6:00 PM or as soon thereafter as the closed session agenda is completed)
a) Vote whether to disclose any or all discussions held in closed session (SF Admin. Code 67.12(a)).
b) Disclosure of action taken in closed session.

ACTION: Upon motion by President Garcia, the Board voted 3 - 0 to convene in closed session.

SPEAKERS: None.

PUBLIC COMMENT: None.

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 to not disclose the contents of the closed session discussion.

SPEAKERS: None.

PUBLIC COMMENT: None.

DOCUMENTS DEPT.

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(2) **SPECIAL ITEM:**

Executive Director, Board of Appeals; Selection Procedures - ACTION
Discussion and possible action to approve procedures for selecting Executive Director, Board of Appeals, including, but not limited to, setting dates and times for and creation of a subcommittee of the Board to interview candidates and recommend finalists to the Board.

ACTION: Upon motion by Commissioner Goh, the Board voted 3 – 0 to create a subcommittee consisting of President Garcia and Commissioner Goh, with Commissioner Mandelman as an alternate.

SPEAKERS: None.

PUBLIC COMMENT: None.

(3) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(4) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(5) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the August 13, 2008 and August 20, 2008 minutes.

ACTION: Upon motion by President Garcia, the Board voted to adopt the 08/13/08 and 08/20/08 minutes.

(6) **ADDENDUM ITEMS:** None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08- 051**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960 Golden Gate Avenue. Protesting the issuance on April 3, 2008, to James Ulahue, Permit to Alter a Building (remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995). APPLICATION NO. 2008/01/28/3333. FOR HEARING TODAY. **Note: Matter continued to await outcome of CEQA appeal at Board of Supervisors.**

(7B) **APPEAL NO. 08- 052**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue aka 800-808 Lyon Street. Protesting the issuance on April 3, 2008, to Prana Eight Properties LLC, Permit to Alter a Building (comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; remove deck with invalid easement over adjacent property [separate permit]; provide fire escape to provide 2nd means of egress). APPLICATION NO. 2008/02/05/3995. FOR HEARING TODAY. **Note: Matter continued to await outcome of CEQA appeal at Board of Supervisors.**

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 to reschedule both matters to 10/15/08.

SPEAKERS: Raquel Fox, attorney for appellants; Andrew Zacks, attorney for permit holder.

PUBLIC COMMENT: None

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 08-105**

ELIZABETH PAIK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	430 Arch Street. Appealing the imposition of penalty on June 13, 2008, for construction work done without a permit. APPLICATION NO. 2008/06/02/3380. FOR HEARING TODAY.

(8B) **APPEAL NO. 08-110**

ELIZABETH PAIK, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	430 Arch Street. Appealing the imposition of penalty on June 25, 2008, for plumbing work done without a permit. APPLICATION NO. PP2008/06/25/926. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 3 – 0 to reduce both penalties to two times the regular fee.

SPEAKERS: None. DBI consented to the reduction.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-112**

ELLEN GALANG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	32 Sala Terrace. Appealing the imposition of penalty on June 27, 2008, for construction work done without a permit. APPLICATION NO. 2008/06/26/5427. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 3 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: None. DBI consented to a reduction.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-100**

WELL-CARE ACUPUNCTURE & HEALTH CENTER INC.,, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4726 Geary Boulevard. Appealing a Notice of Violation dated March 19, 2008, regarding the operation of an unauthorized massage establishment at the subject property. JURISDICTION GRANTED JUNE 4, 2008. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 to reschedule the matter to 10/15/08.

SPEAKERS: None.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 08-103**

CUSTOM EXTERIORS INC. , Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. DISAPPROVAL	710 Powell Street. Appealing the denial on June 16, 2008, of Permit to Alter a Building (replace 113 windows in 16 suites and other shared areas of building). APPLICATION NO. 2007/06/21/4675. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 08-104**

THEA SELBY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	442 Haight Street. Protesting the issuance on May 6, 2008, to Harvey Rudman, Permit to Alter a Building (legalization of an existing medical cannabis dispensary; no physical alteration to existing space). APPLICATION NO. 2007/05/18/1718S. JURISDICTION GRANTED JUNE 18, 2008. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 3 – 0 to reschedule the matter to 10/01/08.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further Business, President Garcia adjourned the meeting at 6:15pm.

Board of Appeals

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September 17, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, SEPT. 17, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

None.

(4) **SPECIAL ITEM:**

Informational presentation by the Planning Department.

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. NOV: regarding an unauthorized independent massage establishment use at the subject property.

(6) **APPEAL NO. 08-108**

KENNETH ZANKEL, Appellant(s) vs. PLANNING COMMISSION, Respondent MOTION HOLDER: 290 Sutter Ltd. Partnership	300 Grant Avenue. Protesting the adoption of findings on June 12, 2008, pursuant to Planning Code Â§ 309 related to a determination of compliance for a building exceeding 50,000 gross square feet of floor area and 75 feet in height, and the granting of exceptions to Planning Code standards for rear yard area, off-street parking, building height, and building bulk (proposal is for new, 10-story mixed-use building with 45 dwelling units, below-grade parking garage, and ground floor/second floor retail space). MOTION NO. 17615. FOR HEARING TODAY.

(7) **APPEAL NO. 08-109**

HUI TING GUAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	519 - 33rd Avenue. Protesting the issuance on June 19, 2008, to Albert & Marion Ko, Permit to Demolish a Building (two-story, single-family house with 625sf of ground floor area). APPLICATION NO. 2005/12/20/0777. FOR HEARING TODAY.

ADJOURNMENT

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 12, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER
*** VACANT SEAT ***	COMMISSIONER
*** VACANT SEAT ***	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L,

M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Boardâ€™s web site.

AUDIOTAPES AND DVD'S OF MEETINGS

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information. DVDâ€™s of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, SEPT. 17, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

NOTE: The Board currently has two vacancies.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

None.

(4) **SPECIAL ITEM:**

Informational presentation by the Planning Department.

SPEAKERS: Craig Nikitas, Senior Planner, PD.

PUBLIC COMMENT: Sue Hestor.

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. NOV: regarding an unauthorized independent massage establishment use at the subject property.

ACTION: Upon motion by President Garcia, the Board voted 3 – 0 to continue the matter to 10/01/08.

SPEAKERS: Niall Vignoles, attorney for appellant; Tina Tam, PD.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 08-108**

KENNETH ZANKEL, Appellant(s) vs. PLANNING COMMISSION, Respondent MOTION HOLDER: 290 Sutter Ltd. Partnership	300 Grant Avenue. Protesting the adoption of findings on June 12, 2008, pursuant to Planning Code § 309 related to a determination of compliance for a building exceeding 50,000 gross square feet of floor area and 75 feet in height, and the granting of exceptions to Planning Code standards for rear yard area, off-street parking, building height, and building bulk (proposal is for new, 10-story mixed-use building with 45 dwelling units, below-grade parking garage, and ground floor/second floor retail space). MOTION NO. 17615. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Goh, the Board voted 3 – 0 to continue the matter to 10/01/08, with the public hearing closed, and in order to allow participation of all five Board members.

SPEAKERS: Sue Hestor, attorney for appellant; Shelby Campbell, agent for motion holder; Allen Martinez, agent for motion holder; Craig Nikita, PD.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-109**

HUI TING GUAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	519 – 33rd Avenue. Protesting the issuance on June 19, 2008, to Albert & Marion Ko, Permit to Demolish a Building (two-story, single-family house with 625sf of ground floor area). APPLICATION NO. 2005/12/20/0777. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Mandelman the Board voted 3 – 0 to uphold the permit.

SPEAKERS: Hui Ting Guan, appellant; Albert Ko, co-permit holder; Craig Nikita, PD; Laurence Kornfield, DBI; Tina Tam, PD

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further Business, President Garcia adjourned the meeting at 7:17 pm.

Board of Appeals

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September 23, 2008 (Special Meeting Agenda)

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
NOTICE OF SPECIAL MEETING AND AGENDA
TUESDAY, SEPTEMBER 23, 2008

NOTICE OF SPECIAL MEETING:

A special meeting of the Board of Appeals will be held as follows:
Date: Tuesday, September 23, 2008
Time: 9:15 AM or as soon as the meeting of the Selection Committee, which is scheduled to begin at 9:15 AM, is adjourned or cancelled.
Place: City Hall, One Dr. Carlton B. Goodlett Place, Room 400*
Note: If the Selection Committee cancels its meeting, this Special Meeting of the Board of Appeals will commence at 9:15 A.M. or as soon thereafter as a quorum of the Board shall be assembled. If the Selection Committee meets, this Special Meeting of the Board of Appeals shall begin or be cancelled immediately after the conclusion of the Selection Committee meeting.

AGENDA FOR SPECIAL MEETING:

(1) PUBLIC EMPLOYEE APPOINTMENT-
Executive Director, Board of Appeals (Open Session) - Action
Public Comment (on all matters pertaining to the closed session item).
Vote on whether to hold closed session pursuant to CA Gov't. Code Sec. 54957(b)(1) and SF Admin. Code Sec. 67.10(b) - Personnel Matter - Public Employee appointment- Executive Director, Board of Appeals.

(2) PUBLIC EMPLOYEE APPOINTMENT-
Executive Director, Board of Appeals (Closed Session) - Action
(a) Discussion and possible action.
(b) Reconvene in open session.
(i) Vote whether to disclose any or all discussions held in closed session
(ii) Disclosure of action taken in closed session.

ADJOURNMENT.
*** The Meeting will relocate to City Hall, Room 408 at 12:00 P.M. if not earlier adjourned.**

MEMBERS OF THE BOARD OF APPEALS

MICHAEL GARCIA	PRESIDENT
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER
*** VACANT SEAT ***	COMMISSIONER
*** VACANT SEAT ***	COMMISSIONER

MEMBERS OF THE SELECTION COMMITTEE

MICHAEL GARCIA	MEMBER
KENDALL GOH	MEMBER
RAFAEL MANDELMAN	ALTERNATE

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
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October 01, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, OCT. 1, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Sept. 10, 2008 and Sept. 17, 2008 minutes.

(4) **SPECIAL ITEM:**

Informational presentation by the Planning Department.

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

Subject property at 529-531 Clayton Street. Appeal No. 08-079, Schmetterer vs. ZA, decided Aug. 20, 2008. At that time, upon motion by Commissioner Goh, the Board voted 5-0 to overrule the Letter of Determination with adoption of findings at a later date. LOD: regarding the current legal use on record of the subject property.

(5b) **REHEARING REQUEST:**

Subject property at 1179-1189 Tennessee Street. Letter from Thomas Lippe, attorney for Trust of Regan Carroll, appellant, requesting rehearing of Appeal No. 06-200, decided March 7, 2007. At that time, upon motion by Commissioner Albright, the Board voted 2-3 (President Knox, Vice President Garcia, and Commissioner Fung dissented) to uphold the denial of the subject permit. Four votes being required to overrule a departmental action under the City Charter, the denial of the subject permit was upheld. Project: construct a four-story, eight-unit residential/commercial building with 5,580sf of ground floor area, BPA No. 9902819S. **Note: One April 4, 2007, the Board voted 4-0-1 (RH absent) to reschedule this matter one year to April 2, 2008. On April 2, 2008, the Board voted 5-0 to reschedule this matter to the Call of Chair pending the outcome of the appellantâ€™s application for a Certificate of Appropriateness at the Landmarks Preservation Advisory Board.**

(5c) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. NOV: regarding an unauthorized independent massage establishment use at the subject property.

(6) **APPEAL NO. 08-108**

KENNETH ZANKEL, Appellant(s) vs. PLANNING COMMISSION, Respondent MOTION HOLDER: 290 Sutter Ltd. Partnership	300 Grant Avenue. Protesting the adoption of findings on June 12, 2008, pursuant to Planning Code Â§ 309 related to a determination of compliance for a building exceeding

	50,000 gross square feet of floor area and 75 feet in height, and the granting of exceptions to Planning Code standards for rear yard area, off-street parking, building height, and building bulk (proposal is for new, 10-story mixed-use building with 45 dwelling units, below-grade parking garage, and ground floor/second floor retail space). MOTION NO. 17615. PUBLIC HEARING HELD AND CLOSED ON SEPT. 17, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow participation of all five Board members.**

(7) **APPEAL NO. 08-133**

JASON ALEXANDRIDIS & LEE PARIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	110 Hoffman Avenue. Appealing the denial on Aug. 13, 2008, of Tree Removal Permit. ORDER NO. 177,592. FOR HEARING TODAY.

(8) **APPEAL NO. 08-104**

THEA SELBY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	442 Haight Street. Protesting the issuance on May 6, 2008, to Harvey Rudman, Permit to Alter a Building (legalization of an existing medical cannabis dispensary; no physical alteration to existing space). APPLICATION NO. 2007/05/18/1718S. JURISDICTION GRANTED JUNE 18, 2008. FOR HEARING TODAY.

(9) **APPEAL NO. 07-132**

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S. FOR HEARING TODAY.

(10) **APPEAL NO. 08-128**

COLLEEN GREENE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 Valencia Street. Protesting the issuance on July 25, 2008, to John Oâ€™Connor, Permit to Demolish a Building (one-story building with 780sf of ground floor area). APPLICATION NO. 2005/04/14/0084. FOR HEARING TODAY.

(11) **SPECIAL ITEM:**

Discussion and possible action on whether to grant jurisdiction and proceed to hearing on Items 12B, 12C and 12D pursuant to special appeal procedures that were adopted by the Board on July 23, 2008.

ITEMS (12A), (12B), (12C) & (12D) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 08-088**

UNITE HERE LOCAL 2, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No specific subject property. Appealing a Letter of Determination dated May 23, 2008 and all subsequent revisions in July 2008, regarding the Large Tourist Hotel Conversion Ordinance (Admin. Code Â§ 41F). FOR HEARING TODAY.

(12B) **APPEAL NO. 08-122**

UNITE HERE LOCAL 2, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No specific subject property. Appealing a Bulletin dated May 23, 2008 and all subsequent revisions in July 2008, regarding the Large Tourist Hotel Conversion Ordinance (Admin. Code Â§ 41F). BULLETIN NO. 2008-01. FOR HEARING TODAY.

(12C) **APPEAL NO. 08-126**

FAIRMONT HOTEL COMPANY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No specific subject property. Appealing a Bulletin dated May 23, 2008 and all subsequent revisions in July 2008, regarding the Large Tourist Hotel Conversion Ordinance (Admin. Code Â§ 41F). BULLETIN NO. 2008-01. FOR HEARING TODAY.

(12D) **APPEAL NO. 08-127**

FAIRMONT HOTEL COMPANY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No specific subject property. Appealing a Letter of Determination dated May 23, 2008 and all subsequent revisions in July 2008, regarding the Large Tourist Hotel Conversion Ordinance (Admin. Code Â§ 41F). FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **Sept. 26, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
TANYA PETERSON	**COMMISSIONER**
KENDALL GOH	**COMMISSIONER**
RAFAEL MANDELMAN	**COMMISSIONER**

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may

submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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ACCESSIBILITY INFORMATION

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail atsotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/

LOBBYING ACTIVITY

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SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Boardâ€™s web site.

AUIDOTAPES AND DVD'S OF MEETINGS

Audiotapes of meetings may be obtained from the Board office. Please telephone 415-575-6880 for information. DVDâ€™s of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCT. 1, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Sept. 10, 2008 and Sept. 17, 2008 minutes.

ACTION: Upon motion by Commissioner Goh, the Board voted 5 – 0 to adopt the September 10 and September 17, 2008 minutes.

(4) **SPECIAL ITEM:**

Informational presentation by the Planning Department.

ACTION: Rescheduled.

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

Subject property at 529-531 Clayton Street. Appeal No. 08-079, Schmetterer vs. ZA, decided Aug. 20, 2008. At that time, upon motion by Commissioner Goh, the Board voted 5-0 to overrule the Letter of Determination with adoption of findings at a later date. LOD: regarding the current legal use on record of the subject property.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the OCA's findings with revisions to paragraph 7.

SPEAKERS: Niall Vignoles, attorney for appellant; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(5b) **REHEARING REQUEST:**

Subject property at 1179-1189 Tennessee Street. Letter from Thomas Lippe, attorney for Trust of Regan Carroll, appellant, requesting rehearing of Appeal No. 06-200, decided March 7, 2007. At that time, upon motion by Commissioner Albright, the Board voted 2-3 (President Knox, Vice President Garcia, and Commissioner Fung dissented) to uphold the denial of the subject permit. Four votes being required to overrule a departmental action under the City Charter, the denial of the subject permit was upheld. Project: construct a four-story, eight-unit residential/commercial building with 5,580sf of ground floor area, BPA No. 9902819S. **Note: One April 4, 2007, the Board voted 4-0-1 (RH absent) to reschedule this matter one year to April 2, 2008. On April 2, 2008, the Board voted 5-0 to reschedule this matter to the Call of Chair pending the outcome of the appellant's application for a Certificate of Appropriateness at the Landmarks Preservation Advisory Board.**

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to grant the rehearing request.

SPEAKERS: Thomas Lippe, attorney for appellant; Tina Tam, PD.

PUBLIC COMMENT: None.

(5c) **ADOPTION OF FINDINGS:**

Subject property at 245 Clement Street. Appeal No. 07-196, decided June 18, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-0 to overrule the Notice of Violation with findings and conditions to be adopted at a later date. NOV: regarding an unauthorized independent massage establishment use at the subject property.

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Mandelman dissented) to adopt the findings with revisions to paragraphs 5 and 10B.

SPEAKERS: Tina Tam, PD; Brett Gladstone, attorney for appellant.

PUBLIC COMMENT: Kathlene Dominguez-Samudio and Hank Lum spoke in favor of the appellant.

(6) **APPEAL NO. 08-108**

KENNETH ZANKEL, Appellant(s) vs. PLANNING COMMISSION, Respondent MOTION HOLDER: 290 Sutter Ltd. Partnership	300 Grant Avenue. Protesting the adoption of findings on June 12, 2008, pursuant to Planning Code § 309 related to a determination of compliance for a building exceeding 50,000 gross square feet of floor area and 75 feet in height, and the granting of exceptions to Planning Code standards for rear yard area, off-street parking, building height, and building bulk (proposal is for new, 10-story mixed-use building with 45 dwelling units, below-grade parking garage, and ground floor/second floor retail space). MOTION NO. 17615. PUBLIC HEARING HELD AND CLOSED ON SEPT. 17, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow participation of all five Board members.**

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Goh dissented) to uphold the adoption of findings by the Planning Commission.

SPEAKERS: Sue Hestor, attorney for appellant; Steve Atkinson, attorney for motion holder; Craig Nikitas, PD.

PUBLIC COMMENT: Tim Colen spoke in favor of the motion holder.

(7) **APPEAL NO. 08-133**

JASON ALEXANDRIDIS & LEE PARIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	110 Hoffman Avenue. Appealing the denial on Aug. 13, 2008, of Tree Removal Permit. ORDER NO. 177,592. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to reschedule the matter to October 29, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-104**

THEA SELBY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	442 Haight Street. Protesting the issuance on May 6, 2008, to Harvey Rudman, Permit to Alter a Building (legalization of an existing medical cannabis dispensary; no physical alteration to existing space). APPLICATION NO. 2007/05/18/1718S. JURISDICTION GRANTED JUNE 18, 2008. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 1 (Commissioner Mandelman dissented) to revoke the permit, with adoption of findings at a later date.

SPEAKERS: Thea Selby, appellant; Antoine Barron, SFPD; Brian Soriano, attorney for MCD operator; Jason Beck, MCD operator; Scott Sanchez, PD.

PUBLIC COMMENT: The following people spoke in favor of the appellant: Bill Maher, Vallie Brown, Richard Johnson, Unicorn Escobedo, Mary Lee Kane, Robin Endres, Rob Bregoff, Seb Hamamjian, James Warshell, Cedric Holley, Michael Patton, Madeline Behrens-Brigham, and James Whereat. Cameron Johnson spoke in favor of the permit holder.

(9) **APPEAL NO. 07-132**

MARSHALL UNGAR & ELIZABETH LIAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	2220 Castro Street. Protesting the issuance on July 20, 2007, to David Chan, Permit to Alter a Building (vertical and horizontal addition). APPLICATION NO. 2006/04/12/8740S. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to January 14, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-128**

COLLEEN GREENE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	700 Valencia Street. Protesting the issuance on July 25, 2008, to John O'Connor, Permit to Demolish a Building (one-story building with 780sf of ground floor area). APPLICATION NO. 2005/04/14/0084. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 1 (Commissioner Goh dissented) to uphold the permit.

SPEAKERS: Scott Sanchez, PD; permit holder appeared but did not speak; appellant did not appear.

PUBLIC COMMENT: None.

(11) **SPECIAL ITEM:**

Discussion and possible action on whether to grant jurisdiction and proceed to hearing on Items 12B, 12C and 12D pursuant to special appeal procedures that were adopted by the Board on July 23, 2008.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to grant jurisdiction, for 08-122, 08-126, and 08-127.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (12A), (12B), (12C) & (12D) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 08-088**

UNITE HERE LOCAL 2, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No specific subject property. Appealing a Letter of Determination dated May 23, 2008 and all subsequent revisions in July 2008, regarding the Large Tourist Hotel Conversion Ordinance (Admin. Code § 41F). FOR HEARING TODAY.

(12B) **APPEAL NO. 08-122**

UNITE HERE LOCAL 2, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No specific subject property. Appealing a Bulletin dated May 23, 2008 and all subsequent revisions in July 2008, regarding the Large Tourist Hotel Conversion Ordinance (Admin. Code § 41F). BULLETIN NO. 2008-01. FOR HEARING TODAY.

(12C) **APPEAL NO. 08-126**

FAIRMONT HOTEL COMPANY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No specific subject property. Appealing a Bulletin dated May 23, 2008 and all subsequent revisions in July 2008, regarding the Large Tourist Hotel Conversion Ordinance (Admin. Code § 41F). BULLETIN NO. 2008-01. FOR HEARING TODAY.

(12D) **APPEAL NO. 08-127**

FAIRMONT HOTEL COMPANY, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	No specific subject property. Appealing a Letter of Determination dated May 23, 2008 and all subsequent revisions in July 2008, regarding the Large Tourist Hotel Conversion Ordinance (Admin. Code § 41F). FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to overrule the Bulletin, and modify the Bulletin (2008-01) pursuant to the ZA's September 18, 2008 brief.

Afterwards, upon motion by Commissioner Mandelman, the Board voted 2 – 3 (President Garcia, Vice President Fung, and Commissioner Peterson dissented) to overrule the Letter of Determination, and modify the Letter of Determination pursuant to the ZA's September 18, 2008 brief except for the Hyatt Hotel's placement in the queue. Motion failed for lack of four votes.

Afterwards, upon motion by Commissioner Peterson, the Board voted 5 – 0 to overrule the Letter of Determination and modify the Letter of Determination and queue pursuant to the ZA's September 18, 2008 brief.

SPEAKERS: Anne-Marie Rodgers, PD; Sue Hestor, attorney for Unite Here Local 2; Pam Duffy, attorney for the Fairmont Hotel; Michael Burke, attorney for the St. Francis Hotel; Steve Vettel, attorney for the Grand Hyatt Hotel; Mark Solit, agent for the Grand Hyatt Hotel; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 10:07 p.m.

Board of Appeals

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October 02, 2008 (Special Meeting)

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
NOTICE OF SPECIAL MEETING AND AGENDA
THURSDAY, OCTOBER 2, 2008

NOTICE OF SPECIAL MEETING:

A special meeting of the Board of Appeals will be held as follows:
Date: **Thursday, October 2, 2008**
Time: **9:15 AM**
Place: **City Hall, Room 408, One Dr. Carlton B. Goodlett Place.**

AGENDA FOR SPECIAL MEETING:

(1) PUBLIC EMPLOYEE APPOINTMENT-
Executive Director, Board of Appeals (Open Session) - Action
Public Comment (on all matters pertaining to the closed session item).
Vote on whether to hold closed session pursuant to CA Gov't. Code Â§ 54957(b)(1) and SF Admin. Code Â§ 67.10(b) - Personnel Matter - Public Employee appointment- Executive Director, Board of Appeals.

(2) PUBLIC EMPLOYEE APPOINTMENT-
Executive Director, Board of Appeals (Closed Session) - Action
(a) Discussion and possible action.
(b) Reconvene in open session.
(i) Vote whether to disclose any or all discussions held in closed session.
(ii) Disclosure of action taken in closed session.

ADJOURNMENT.

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

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M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

Board of Appeals

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October 08, 2008 (No Meeting)

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PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for Oct. 8, 2008. The next regular meeting is scheduled for **Wednesday, Oct. 15, 2008, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place.

Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,

BOARD STAFF

Date Posted: **Oct. 3, 2008**

Board of Appeals

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October 15, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, OCT. 15, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 1, 2008 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 442 Haight Street. Appeal No. 08-104, Selby vs. DBI, PDA, decided Oct. 1, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-1 (Commissioner Mandelman dissented) to revoke the subject permit with adoption of findings at a later date. Permit Holder: Harvey Rudman. Project: legalization of an existing medical cannabis dispensary; no physical alteration to existing space; BPA No. 2007/05/18/1718S.

(5) **APPEAL NO. 08-114**

RASHAD SGHAYER dba "FRED'S LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	300 Mason Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-077. FOR HEARING TODAY.

(6) **APPEAL NO. 08-116**

DANILO HERRERA dba "CITY SMOKE SHOP & MORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	644 Polk Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-078. FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08-051**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960 Golden Gate Avenue. Protesting the issuance on April 3, 2008, to James Ulahue, Permit to Alter a Building (remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995). APPLICATION NO. 2008/01/28/3333. FOR HEARING TODAY. **Note: Matter continued to await outcome of CEQA appeal at Board of Supervisors.**

(7B) **APPEAL NO. 08-052**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue aka 800-808 Lyon Street. Protesting the issuance on April 3, 2008, to Prana Eight Properties LLC, Permit to Alter a Building (comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; remove deck with invalid easement over adjacent property [separate permit]; provide fire escape to provide 2nd means of egress). APPLICATION NO. 2008/02/05/3995. FOR HEARING TODAY. **Note: Matter continued to await outcome of CEQA appeal at Board of Supervisors.**

(8) **APPEAL NO. 08-062**

HEAVEN MINI THEATER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	483 Broadway aka 1054 Kearny Street. Appealing a Notice of Violation dated April 14, 2008, regarding the establishment of a non-authorized adult entertainment use at the second story of the subject property. FOR REHEARING TODAY. **Note: On July 16, 2008, the Board voted 5-0 to uphold the subject Notice of Violation. On Aug. 13, 2008, the Board voted 4-0 to grant the appellant's rehearing request, and to set the rehearing for Oct. 15, 2008.**

(9) **APPEAL NO. 08-100**

WELL-CARE ACUPUNCTURE & HEALTH CENTER INC.,, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4726 Geary Boulevard. Appealing a Notice of Violation dated March 19, 2008, regarding the operation of an unauthorized massage establishment at the subject property. JURISDICTION GRANTED JUNE 4, 2008. FOR HEARING TODAY.

(10) **APPEAL NO. 08-117**

PAUL TERGIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	76 Laidley Street. Protesting the issuance on July 10, 2008, to Joe Acayan, Permit to Erect a Building (two-story accessory building with pool house and home office, with 395.5sf of ground floor area). APPLICATION NO. 2006/10/10/4591. FOR HEARING TODAY.

(11) **APPEAL NO. 08-118**

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1754 Mission Street. Protesting the issuance on July 10, 2008, to Albert Joshua, Permit to Alter a Building (renew BPA Nos. 2005/02/22/5889 and 2006/12/04/9112 for final inspection). APPLICATION NO. 2008/07/10/6408. FOR HEARING TODAY.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER.

(12A) APPEAL NO. 08-120

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(12B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(13) **SPECIAL ITEM:**

Informational presentation by the Planning Department.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 10, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

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The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

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Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

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10/15/08

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCT. 15, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Andrew Jin, Inspector, Department of Public Health (DPH); Ed Walsh, Inspector, Department of Public Health (DPH); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKER: President Garcia announced that the Board hired Cynthia Goldstein as the Executive Director for the Board of Appeals, and that she will begin employment on 11/17/08.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 1, 2008 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the October 1, 2008 minutes.

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(4) **ADDENDUM ITEMS:**

(4a) **ADOPTION OF FINDINGS:**

Subject property at 442 Haight Street. Appeal No. 08-104, Selby vs. DBI, PDA, decided Oct. 1, 2008. At that time, upon motion by Vice President Fung, the Board voted 4-1 (Commissioner Mandelman dissented) to revoke the subject permit with adoption of findings at a later date. Permit Holder: Harvey Rudman. Project: legalization of an existing medical cannabis dispensary; no physical alteration to existing space; BPA No. 2007/05/18/1718S.

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Mandelman dissented) to adopt the Office of City Attorney's findings with changes in a finding # 13.

SPEAKERS: Brian Soriano, attorney for MCD operator; Thea Selby, appellant.

PUBLIC COMMENT: None.

(5) **APPEAL NO. 08-114**

RASHAD SGHAYER dba "FRED'S LIQUOR", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	300 Mason Street. Appealing a thirty (30) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-077. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 08-116**

DANILO HERRERA dba "CITY SMOKE SHOP & MORE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	644 Polk Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on July 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-078. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to uphold the 15 – day suspension.

SPEAKERS: Andrew Jin, DPH; Danilo Herrera, appellant.

PUBLIC COMMENT: None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08-051**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1960 Golden Gate Avenue. Protesting the issuance on April 3, 2008, to James Ulahue, Permit to Alter a Building (remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995). APPLICATION NO. 2008/01/28/3333. FOR HEARING TODAY. **Note: Matter continued to await outcome of CEQA appeal at Board of Supervisors.**

(7B) **APPEAL NO. 08-052**

TENANTS AT 800-808 LYON ST. & 1960-1980 GOLDEN GATE AVE., Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1980 Golden Gate Avenue aka 800-808 Lyon Street. Protesting the issuance on April 3, 2008, to Prana Eight Properties LLC, Permit to Alter a Building (comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; remove deck with invalid easement over adjacent property [separate permit]; provide fire escape to provide 2nd means of egress). APPLICATION NO. 2008/02/05/3995. FOR HEARING TODAY. **Note: Matter continued to await outcome of CEQA appeal at Board of Supervisors.**

ACTION: Upon motion by Vice President Fung, the Board voted 3 -2 (President Garcia and Commissioner Peterson dissented) to revoke the permit in Appeal No. 08 – 051 with adoption of findings at a later time. Motion failed for lack of four votes. Permit upheld.

ACTION: Afterwards, motion by Vice President Fung, the Board voted 4 – 1 (Commissioner Peterson dissented) to revoke the permit in Appeal No. 08 – 052 with adoption of findings to at a later time.

SPEAKERS: Andrew Zacks, attorney for permits holder; Raquel Fox, attorney for appellants; Marianne Beck, co – appellant; Philip Head, co – appellant; Lenny Tremmel, co – appellant; Jason Thrupp, co – appellant; Ryan McCanley, co – appellant; Kurt Mueller, co – appellant; Patrick Buscovich, agent for permit holder; Kevin Flynn, agent for permit holder; Tina Tam, PD; Laurence Kornfield; DBI.

PUBLIC COMMENT: Joe O'Donoghue spoke in favor of the appellants.

(8) **APPEAL NO. 08-062**

HEAVEN MINI THEATER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	483 Broadway aka 1054 Kearny Street. Appealing a Notice of Violation dated April 14, 2008, regarding the establishment of a non-authorized adult entertainment use at the second story of the subject property. FOR REHEARING TODAY. **Note: On July 16, 2008, the Board voted 5-0 to uphold the subject Notice of Violation. On Aug. 13, 2008, the Board voted 4-0 to grant the appellant's rehearing request, and to set the rehearing for Oct. 15, 2008.**

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to uphold the Notice of Violation.

SPEAKERS: Tina Tam, PD; Terrance Hallinan, attorney for appellant.

PUBLIC COMMENT: Jeremy Paul spoke on behalf of the other commercial tenant in the subject building. Lindsay McCollum spoke in favor of the appellant.
Captain James Dudley (SFPD) spoke in favor of the Zoning Administrator.

(9) **APPEAL NO. 08-100**

WELL-CARE ACUPUNCTURE & HEALTH CENTER INC.,, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	4726 Geary Boulevard. Appealing a Notice of Violation dated March 19, 2008, regarding the operation of an unauthorized massage establishment at the subject property. JURISDICTION GRANTED JUNE 4, 2008. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to uphold the Notice of Violation.

SPEAKERS: Tina Tam, PD; Ed Walsh, DPH; Paul Horcher, attorney for appellant.

PUBLIC COMMENT: Saied Amin spoke in favor of the appellant.

(10) **APPEAL NO. 08-117**

PAUL TERGIS, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	76 Laidley Street. Protesting the issuance on July 10, 2008, to Joe Acayan, Permit to Erect a Building (two-story accessory building with pool house and home office, with 395.5sf of ground floor area). APPLICATION NO. 2006/10/10/4591. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 2 – 3 (Vice President Fung, Commissioners Goh and Mandelman dissented) to uphold the permit. Four votes being required to overturn a department action, the permit was upheld.

SPEAKERS: Lucian Blazej, agent for appellant; Marada Deley, co – permit holder; Hiromi Ogawa, agent for permit holder; Joe Acayan, permit holder; Tina Tam, PD.

PUBLIC COMMENT: Rosalie Blazej, Sean Tergis, Elizabeth Clark, Ivory Young, George Cole, Frank Clark, and Michael Clark spoke in favor of the appellant.

Jim Zack, Bob McCaffrey, David Ehrlich, Suzanne Tay, Kristin Hansen, Alex Schroeder, and Eric Hansen spoke in favor of the permit holder.

(11) **APPEAL NO. 08-118**

AUGUSTINE FALLAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1754 Mission Street. Protesting the issuance on July 10, 2008, to Albert Joshua, Permit to Alter a Building (renew BPA Nos. 2005/02/22/5889 and 2006/12/04/9112 for final inspection). APPLICATION NO. 2008/07/10/6408. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (12A) & (12B) SHALL BE HEARD TOGETHER:

(12A) **APPEAL NO. 08-120**

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(12B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule both matters to 10/29/08.

SPEAKERS: Joe Bravo, attorney for permit holder; Robert Tilghman, co – permit holder.

PUBLIC COMMENT: None.

(13) **SPECIAL ITEM:**

Informational presentation by the Planning Department.

SPEAKER: Craig Nikitas, PD.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 10:30pm.

Board of Appeals

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October 22, 2008 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for Oct. 22, 2008. The next regular meeting is scheduled for **Wednesday, Oct. 29, 2008, City Hall, Room 416, 5:00 pm**, One Dr. Carlton B. Goodlett Place.
Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **Oct. 16, 2008**

Board of Appeals

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October 29, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, OCT. 29, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

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(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 15, 2008 minutes.

(4) **ADDENDUM ITEMS:** None.

(5) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owners: NATHALIE LANG & JOHN WICKER	2666 Greenwich Street. Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008. APPLICATION NO. 2008/01/31/3694. FOR HEARING TODAY.

(6) **APPEAL NO. 08-119**

PENNIE SEMPELL, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1335 Stanyan Street. Appealing the denial on July 15, 2008, of Minor Sidewalk Encroachment Permit. ORDER NO. 177,652. FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08-120**

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27â€™ X 15â€™ outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(7B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27â€™ X 15â€™ outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775.

	FOR HEARING TODAY.

(8) **APPEAL NO. 08-124**

GARY VINSON dba "ATMOSPHERE / BMGV, LLC", Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	447 Broadway. Appealing the denial on July 22, 2008, of Place of Entertainment Permit and Billiards Permit. APPLICATION NO. EC-939. FOR HEARING TODAY.

(9) **APPEAL NO. 08-133**

JASON ALEXANDRIDIS & LEE PARIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	110 Hoffman Avenue. Appealing the denial on Aug. 13, 2008, of Tree Removal Permit. ORDER NO. 177,592. FOR HEARING TODAY.

(10) **APPEAL NO. 08-129**

LEOPOLDO SAAVEDRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1515 Innes Avenue. Protesting the issuance on July 30, 2008, to Wei Chang Li, Permit to Alter a Building (comply with Nov No. 200862438; remove rear stairs to increase 2nd floor deck from 12â€™ X 10â€™ to 17â€™ X 10â€™. APPLICATION NO. 2008/07/30/7975. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Mon. - Fri., 8am â€" 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **October 23, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
TANYA PETERSON	**COMMISSIONER**
KENDALL GOH	**COMMISSIONER**
RAFAEL MANDELMAN	**COMMISSIONER**

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, OCT. 29, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Carla Short, Urban Forester, Dept. of Public Works Bureau of Urban Forestry (DPW BUF); John Kwong, Dept. of Public Works Bureau of Street Use & Mapping (DPW BSM); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

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SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

DOCUMENTS DEPT.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 15, 2008 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the amended October 15, 2008 minutes.

(4) **ADDENDUM ITEMS:** None.

(5) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owners: NATHALIE LANG & JOHN WICKER	2666 Greenwich Street. Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008. APPLICATION NO. 2008/01/31/3694. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to continue the matter to November 12, 2008, with the public hearing held and closed, to allow time for the DBI & Planning to conduct a site visit.

SPEAKERS: Tina Tam, PD; Laurence Kornfield, DBI; James Forcier, appellant; Tuija Catalano, attorney for subject property owners; John Wicker, co-subject property owner.

PUBLIC COMMENT: Jeff Wood spoke in favor of the appellant.

(6) **APPEAL NO. 08-119**

PENNIE SEMPELL, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF STREET-USE & MAPPING, Respondent	1335 Stanyan Street. Appealing the denial on July 15, 2008, of Minor Sidewalk Encroachment Permit. ORDER NO. 177,652. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to dismiss the appeal for lack of subject matter jurisdiction.

SPEAKERS: John Kwong, DPW BSM.

PUBLIC COMMENT: None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08-120**

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(7B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 0 – 1 (Commissioner Peterson absent) to reschedule both matters to November 5, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-124**

GARY VINSON dba "ATMOSPHERE / BMGV, LLC", Appellant(s) vs. ENTERTAINMENT COMMISSION, Respondent	447 Broadway. Appealing the denial on July 22, 2008, of Place of Entertainment Permit and Billiards Permit. APPLICATION NO. EC-939. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-133**

JASON ALEXANDRIDIS & LEE PARIES, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	110 Hoffman Avenue. Appealing the denial on Aug. 13, 2008, of Tree Removal Permit. ORDER NO. 177,592. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to overrule the denial, and grant the permit for removal of northernmost tree with conditions as read into the record, with a finding that the parties have reached a settlement.

SPEAKERS: Tracy Zill, attorney for appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-129**

LEOPOLDO SAAVEDRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1515 Innes Avenue. Protesting the issuance on July 30, 2008, to Wei Chang Li, Permit to Alter a Building (comply with Nov No. 200862438; remove rear stairs to increase 2nd floor deck from 12' X 10' to 17' X 10'. APPLICATION NO. 2008/07/30/7975. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to continue the matter to November 12, 2008, with the public hearing held and closed, to allow time for permit holder to seek a plumbing permit for the drainage issue.

SPEAKERS: David Saavedra, agent for appellant; Tony Li, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 6:40 p.m.

Board of Appeals

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November 05, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 5, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

None.

(4) **SPECIAL ITEM:**

nformational presentation by the Planning Department.

(5) **ADDENDUM ITEMS:**

None.

(6) **APPEAL NO. 08-136**

ERIK GROSSMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	291 Page Street. Appealing the denial on Aug. 22, 2008, of Tree Removal Permit. ORDER NO. 177,641 (REVISED). FOR HEARING TODAY.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08-120**

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(7B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit).

	APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(8) **APPEAL NO. 08-135**

ZHEN FU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	338-340 - 19th Avenue. Appealing the imposition of penalty on Aug. 18, 2008, for construction work done without a permit. APPLICATION NO. 2008/08/18/9366. FOR HEARING TODAY.

ADJOURNMENT

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

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Date posted: **Oct. 31, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	**PRESIDENT**
FRANK FUNG	**VICE PRESIDENT**
TANYA PETERSON	**COMMISSIONER**
KENDALL GOH	**COMMISSIONER**
RAFAEL MANDELMAN	**COMMISSIONER**

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.

The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.

In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.

Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa

The complete Rules of the Board are available for review at the Board office, and on our website.

Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.

Pursuant to Government Code § 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.

Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board

staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code § 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Board's web site.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

Board of Appeals

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November 5, 2008 minutes

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 5, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson; Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (DP); Carla Short, Urban Forester, Department of Public Works/Bureau of Urban Forestry (DPW/BUF); Victor Pacheco, Interim Dept Head; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: David Silverman spoke about appeal procedures for redevelopment approved permits in the Western Addition Redevelopment area

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

None.

(4) **SPECIAL ITEM:**

Informational presentation by the Planning Department.

SPEAKER: John Rahaim, Director, PD

(5) **ADDENDUM ITEMS:**

None.

(6) **APPEAL NO. 08-136**

ERIK GROSSMAN, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	291 Page Street. Appealing the denial on Aug 22, 2008, of Tree Removal Permit ORDER NO. 177,641 (REVISED). FOR HEARING TODAY.

ACTION Upon motion by President Garcia, the Board voted 3 -2 (Commissioner Goh and Commissioner Mandelman dissented) to overrule the denial and grant the permit on condition: that one (1) 36 inch box tree be planted at the subject property, that two (2) 36 inch box trees be gifted to DPW/BUF, with the appellant to provide maintenance of the tree at the subject property in perpetuity, and for the species of all three (3) trees to be determined by the DPW/BUF. Motion failed for lack of four votes, and the denial was upheld

SPEAKERS: Carla Short, DPW/BUF; Jace Levinson, agent for appellant, Erik Grossman, appellant.

PUBLIC COMMENT None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) APPEAL NO. 08-120

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(7B) APPEAL NO. 08-123

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

ACTION Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule both matters to 11/12/08 at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) APPEAL NO. 08-135

ZHEN FU, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	338-340 – 19th Avenue. Appealing the imposition of penalty on Aug. 18, 2008, for construction work done without a permit. APPLICATION NO. 2008/08/18/9366. FOR HEARING TODAY.

ACTION Upon motion by Vice President Fung, the Board voted 5 – 0 to reduce the penalty to two times the regular fee.

SPEAKERS: DBI consents to the reduction.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 6:34 pm.

Board of Appeals

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November 12, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 12, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 29, 2008 minutes.

(4) **SPECIAL ITEM:**

Discussion and possible action to suspend Article V, Sections 1, 2, 4 and 6 of the Rules of the Board, and to adopt special administrative procedures to expedite the Board's appeal process for permit appeals related to the Western Addition Redevelopment Area .

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

No subject property. Hotel Conversion Ordinance. Appeal Nos. 08-088/122, and 08-126/127, UNITE HERE Local 2 vs. ZA, and Fairmont Hotel Co. vs. ZA, respectively, decided October 1, 2008. At that time, upon motion by Commissioner Mandelman, the Board voted 5 - 0 to overrule the Bulletin, and modify the Bulletin (2008-01) pursuant to the ZA's September 18, 2008 brief. Afterwards, upon motion by Commissioner Mandelman, the Board voted 2 - 3 (President Garcia, Vice President Fung, and Commissioner Peterson dissented) to overrule the Letter of Determination, and modify the Letter of Determination pursuant to the ZA's September 18, 2008 brief except for the Hyatt Hotel's placement in the queue. Motion failed for lack of four votes. Lastly, upon motion by Commissioner Peterson, the Board voted 5 - 0 to overrule the Letter of Determination and modify the Letter of Determination and queue pursuant to the ZA's September 18, 2008 brief.

(5b) **REHEARING REQUEST:**

Subject property at 442 Haight Street. Letter from Brian Soriano, attorney for Jason Beck, MCD Operator / Real Party in Interest, requesting rehearing of Appeal No. 08-104, Selby vs. DBI, PDA, decided Oct. 1, 2008, and findings adopted on Oct. 15, 2008. At the Oct. 1, 2008 meeting, the Board voted 4-1 (Commissioner Mandelman dissented) to revoke the subject permit with adoption of findings at a later date. Permit Holder: Harvey Rudman. Project: legalization of an existing medical cannabis dispensary; no physical alteration to existing space; BPA No. 2007/05/18/1718S.

(5c) **REHEARING REQUEST:**

Subject property at 1960 Golden Gate Avenue. Letter from Raquel Fox, attorney for appellants, requesting rehearing of Appeal No. 08-051, decided Oct. 15, 2008. At that time, the Board voted 3-2 (President Garcia and Commissioner Peterson dissented) to revoke the subject permit. Four votes being required to overturn a departmental action, the permit was upheld. Permit Holder: James Ulahue. Project: remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995; BPA No. 2008/01/28/3333.

(5d) **ADOPTION OF FINDINGS:**

Subject property at 1980 Golden Gate Avenue aka 800-808 Lyon Street. Appeal No. 08-052, decided Oct. 15, 2008. At that time, the Board voted 4-1 (Commissioner Peterson dissented) to revoke the subject permit. Permit Holder: Prana Eight Properties LLC. Project: comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress;

new window; provide fire escape to provide 2nd means of egress; BPA No. 2008/02/05/3995.

(6) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owners: NATHALIE LANG & JOHN WICKER	2666 Greenwich Street. Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008. APPLICATION NO. 2008/01/31/3694. PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI and Planning staff to conduct a site visit.**

(7) **APPEAL NO. 08-129**

LEOPOLDO SAAVEDRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1515 Innes Avenue. Protesting the issuance on July 30, 2008, to Wei Chang Li, Permit to Alter a Building (comply with Nov No. 200862438; remove rear stairs to increase 2nd floor deck from 12' X 10' to 17' X 10'. APPLICATION NO. 2008/07/30/7975. PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for PH to seek a plumbing permit for drainage issue.**

(8) **APPEAL NO. 08-138**

STEVEN KROLIK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	301 Locust Street. Protesting the issuance on Aug. 20, 2008, of Tree Removal Permit. ORDER NO. 177,730 FOR HEARING TODAY.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER.

(9A) APPEAL NO. 08-120

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(9B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(10) APPEAL NO. 08-140

WAYNE LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1720 Armstrong Avenue. Appealing the imposition of penalty on Aug. 21, 2008, for construction work done without a permit. APPLICATION NO. 2008/08/21/9750. FOR HEARING TODAY.

(11) APPEAL NO. 08-101

LEON BRILLANT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	325 Sacramento Street. Appealing a Letter of Determination dated June 5, 2008, regarding whether the permitted exterior work would qualify the subject building as a "compatible rehabilitation" to be deemed a preservation lot for the purposes of transfer of development rights. FOR HEARING TODAY.

(12) **APPEAL NO. 08-139**

JENNIFER MURPHY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	371 Prospect Avenue. Protesting the issuance on Aug. 19, 2008, to Jennifer Burden, Permit to Alter a Building (remove non-permitted unit from housing; remove kitchen at ground level). APPLICATION NO. 2008/08/19/9541. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission St. #304).

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Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: Nov. 7, 2008

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

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SPECIAL NOTES

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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 12, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Carla Short, Urban Forester, Dept. of Public Works Bureau of Urban Forestry (DPW BUF); Victor Pacheco, Interim Dept. Head; Manuel Payes, Clerk Typist.

11/12/08

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the October 29, 2008 minutes.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to adopt the October 29, 2008 minutes.

(4) **SPECIAL ITEM:**

Discussion and possible action to suspend Article V, Sections 1, 2, 4 and 6 of the Rules of the Board, and to adopt special administrative procedures to expedite the Board's appeal process for permit appeals related to the Western Addition Redevelopment Area.

ACTION: Upon motion by President Garcia, the Board voted 3 – 2 (Commissioners Goh and Mandelman dissented) to ask OCA to prepare a draft rule suspending the Rules regarding briefing schedules and hearing date allocation.

SPEAKERS: David Silverman; Sue Hestor; John Adams.

PUBLIC COMMENT: None.

(5) **ADDENDUM ITEMS:**

(5a) **ADOPTION OF FINDINGS:**

No subject property. Hotel Conversion Ordinance. Appeal Nos. 08-088/122, and 08-126/127, UNITE HERE Local 2 vs. ZA, and Fairmont Hotel Co. vs. ZA, respectively, decided October 1, 2008. At that time, upon motion by Commissioner Mandelman, the Board voted 5 – 0 to overrule the Bulletin, and modify the Bulletin (2008-01) pursuant to the ZA's September 18, 2008 brief. Afterwards, upon motion by Commissioner Mandelman, the Board voted 2 – 3 (President Garcia, Vice President Fung, and Commissioner Peterson dissented) to overrule the Letter of Determination, and modify the Letter of Determination pursuant to the ZA's September 18, 2008 brief except for the Hyatt Hotel's placement in the queue. Motion failed for lack of four votes. Lastly, upon motion by Commissioner Peterson, the Board voted 5 – 0 to overrule the Letter of Determination and modify the Letter of Determination and queue pursuant to the ZA's September 18, 2008 brief.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the findings as amended including the substantive change to finding #14.

SPEAKERS: Sue Hestor, attorney for UNITE HERE; Caroline Guibert, attorney for Fairmont Hotel; Steve Vettel, attorney for Hyatt Hotel.

PUBLIC COMMENT: None.

(5b) **REHEARING REQUEST:**

Subject property at 442 Haight Street. Letter from Brian Soriano, attorney for Jason Beck, MCD Operator / Real Party in Interest, requesting rehearing of Appeal No. 08-104, Selby vs. DBI, PDA, decided Oct. 1, 2008, and findings adopted on Oct. 15, 2008. At the Oct. 1, 2008 meeting, the Board voted 4-1 (Commissioner Mandelman dissented) to revoke the subject permit with adoption of findings at a later date. Permit Holder: Harvey Rudman. Project: legalization of an existing medical cannabis dispensary; no physical alteration to existing space; BPA No. 2007/05/18/1718S.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to continue the matter to November 19, 2008, with the public hearing held and closed.

SPEAKERS: Brian Soriano, attorney for MCD operator; Regan Richardson, agent for MCD operator; Scott Sanchez, PD; Laurence Kornfield, DBI; Thea Selby, appellant.

PUBLIC COMMENT: Cameron Johnson spoke in favor of the MCD; Vallie Brown spoke in favor of the appellant.

(5c) **REHEARING REQUEST:**

Subject property at 1960 Golden Gate Avenue. Letter from Raquel Fox, attorney for appellants, requesting rehearing of Appeal No. 08-051, decided Oct. 15, 2008. At that time, the Board voted 3-2 (President Garcia and Commissioner Peterson dissented) to revoke the subject permit. Four votes being required to overturn a departmental action, the permit was upheld. Permit Holder: James Lihue. Project: remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995; BPA No. 2008/01/28/3333.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to November 19, 2008.

SPEAKERS: None.

PUBLIC COMMENT: None.

(5d) **ADOPTION OF FINDINGS:**

Subject property at 1980 Golden Gate Avenue aka 800-808 Lyon Street. Appeal No. 08-052, decided Oct. 15, 2008. At that time, the Board voted 4-1 (Commissioner Peterson dissented) to revoke the subject permit. Permit Holder: Prana Eight Properties LLC. Project: comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; provide fire escape to provide 2nd means of egress; BPA No. 2008/02/05/3995.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to November 19, 2008, to allow for the Findings to be drafted.

SPEAKERS: None.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owners: NATHALIE LANG & JOHN WICKER	2666 Greenwich Street. Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008. APPLICATION NO. 2008/01/31/3694. PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI and Planning staff to conduct a site visit.**

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to reschedule the matter to December 10, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-129**

LEOPOLDO SAAVEDRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	1515 Innes Avenue. Protesting the issuance on July 30, 2008, to Wei Chang Li, Permit to Alter a Building (comply with Nov No. 200862438; remove rear stairs to increase 2nd floor deck from 12' X 10' to 17' X 10'. APPLICATION NO. 2008/07/30/7975. PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for PH to seek a plumbing permit for drainage issue.**

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to uphold the permit.

SPEAKERS: Laurence Kornfield, DBI; David Saavedra, agent for appellant; Wei Chang Li, permit holder.

PUBLIC COMMENT: None.

(8) **APPEAL NO. 08-138**

STEVEN KROLIK, Appellant(s) vs. DEPT. OF PUBLIC WORKS BUREAU OF URBAN FORESTRY, Respondent	301 Locust Street. Protesting the issuance on Aug. 20, 2008, of Tree Removal Permit. ORDER NO. 177,730 FOR HEARING TODAY.

ACTION: Withdrawal letter submitted at hearing.

SPEAKERS: Steven Krolik, appellant; Carla Short, DPW BUF.

PUBLIC COMMENT: None.

ITEMS (9A) & (9B) SHALL BE HEARD TOGETHER:

(9A) **APPEAL NO. 08-120**

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(9B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule both matters to November 19, 2008, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-140**

WAYNE LEE, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1720 Armstrong Avenue. Appealing the imposition of penalty on Aug. 21, 2008, for construction work done without a permit. APPLICATION NO. 2008/08/21/9750. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reduce the penalty to five (5) times the regular fee.

SPEAKERS: Laurence Kornfield, DBI; Wayne Lee, appellant.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 08-101**

LEON BRILLANT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	325 Sacramento Street. Appealing a Letter of Determination dated June 5, 2008, regarding whether the permitted exterior work would qualify the subject building as a "compatible rehabilitation" to be deemed a preservation lot for the purposes of transfer of development rights. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to December 10, 2008.

SPEAKERS: Scott Sanchez, PD.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 08-139**

JENNIFER MURPHY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	371 Prospect Avenue. Protesting the issuance on Aug. 19, 2008, to Jennifer Burden, Permit to Alter a Building (remove non-permitted unit from housing; remove kitchen at ground level). APPLICATION NO. 2008/08/19/9541. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to December 10, 2008.

SPEAKERS: Kevin Greenquist, attorney for the permit holder.

PUBLIC COMMENT: None.

There being no further business, President Garcia adjourned the meeting at 7:45 p.m.

Board of Appeals

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November 19, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, NOVEMBER 19, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 5, 2008 minutes.

(4) **SPECIAL ITEM:**

Discussion and possible action to provide ten-day notice to suspend Article V, Sections 1, 2e, and 4 of the Rules of the Board, and to adopt special administrative procedures to expedite the Board's appeal process for permit appeals related to the Western Addition Redevelopment Area.

(5) **ADDENDUM ITEMS:**

(5a) **REHEARING REQUEST:**

Subject property at 442 Haight Street. Letter from Brian Soriano, attorney for Jason Beck, MCD Operator / Real Party in Interest, requesting rehearing of Appeal No. 08-104, Selby vs. DBI, PDA, decided Oct. 1, 2008, and findings adopted on Oct. 15, 2008. At the Oct. 1, 2008 meeting, the Board voted 4-1 (Commissioner Mandelman dissented) to revoke the subject permit with adoption of findings at a later date. Permit Holder: Harvey Rudman. Project: legalization of an existing medical cannabis dispensary; no physical alteration to existing space; BPA No. 2007/05/18/1718S. **Note: Public hearing held and closed on Nov. 12, 2008. For further consideration today.**

(5b) **REHEARING REQUEST:**

Subject property at 1960 Golden Gate Avenue. Letter from Raquel Fox, attorney for appellants, requesting rehearing of Appeal No. 08-051, decided Oct. 15, 2008. At that time, the Board voted 3-2 (President Garcia and Commissioner Peterson dissented) to revoke the subject permit. Four votes being required to overturn a departmental action, the permit was upheld. Permit Holder: James Ulahue. Project: remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995; BPA No. 2008/01/28/3333.

(5c) **ADOPTION OF FINDINGS:**

Subject property at 1980 Golden Gate Avenue aka 800-808 Lyon Street. Appeal No. 08-052, decided Oct. 15, 2008. At that time, the Board voted 4-1 (Commissioner Peterson dissented) to revoke the subject permit. Permit Holder: Prana Eight Properties LLC. Project: comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; provide fire escape to provide 2nd means of egress; BPA No. 2008/02/05/3995.

(6) **APPEAL NO. 08-149**

IMAD BITAR dba "SMOKE PLUS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4059 â€" 18th Street. Appealing a ten (10) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Sept. 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTORâ€™S CASE NO. FD-08-114. FOR HEARING TODAY.

(7) **APPEAL NO. 08-150**

ELIA KHOURY dba "CASTRO SMOKE HOUSE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	409 Castro Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Sept. 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTORâ€™S CASE NO. FD-08-110. FOR HEARING TODAY.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 08-120**

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27â€™ X 15â€™ outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(8B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27â€™ X 15â€™ outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(9) **APPEAL NO. 08-144**

PAULINE CHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	421 Arguello Blvd. Protesting the issuance on Aug. 28, 2008, to Amy Lu, Permit to Alter a Building (excavation to add parking garages; revision to approved BPA No. 2005/07/05/6794 for apartment building with ground floor parking). APPLICATION NO. 2006/10/05/4322S. FOR HEARING TODAY.

(10) APPEAL NO. 08-146

KYLE WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1142 Jackson Street #4. Protesting the issuance on Aug. 27, 2008, to Kenneth Chang Trustee & Christina Cheng, Permit to Alter a Building (install furnace in unit No. 4; comply with NOV No. 200862153). APPLICATION NO. 2008/08/01/8249. FOR HEARING TODAY.

(11) APPEAL NO. 08-147

VIRGINIA AGUILAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	80 Danton Street. Protesting the issuance on Sept. 8, 2008, to John Alden, Permit to Alter a Building (horizontal addition at rear; adding master bedroom and bath, guest bedroom and bath on 1st floor; living room and deck on 2nd floor; roof deck; new plumbing, electrical and heating ducts). APPLICATION NO. 2007/12/20/1043. FOR HEARING TODAY.

(12) APPEAL NO. 08-148

IRIT LEVI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	47 Mirabel Avenue. Protesting the issuance on Aug. 29, 2008, to Alison Shepard, Permit to Alter a Building (758sf rear yard addition including new family room, bedroom, bath and rear yard deck at mid level; new rec. room, storage and bath at lower level). APPLICATION NO. 2008/05/19/2378S. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street,

Room 304).
Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).
Please call 415-575-6880 if you have any questions concerning this agenda.
Date posted: **November 14, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.
The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.
In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.
Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa
The complete Rules of the Board are available for review at the Board office, and on our website.
Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.
Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.
Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

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conducted before the people and that City operations are open to the people's review.
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BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

Board of Appeals

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BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, NOVEMBER 19, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, and Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Tina Tam, Senior Planner, Planning Department (PD); Scott Sanchez, Planner, Planning Department (PD); Lisa O'Malley, Inspector, Department of Public Health (DPH); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant for the Board; Manuel Payes, Clerk Typist.

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS. None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: President Garcia on behalf of the Mayor and Board of Supervisors President Aaron Peskin presented certificates to Victor Pacheco for his outstanding performance as interim Department Head and thanked him for his dedication and service.

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the November 5, 2008 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the November 5, 2008 minutes.

(4) **SPECIAL ITEM:**

Discussion and possible action to provide ten-day notice to suspend Article V, Sections 1, 2e, and 4 of the Rules of the Board, and to adopt special administrative procedures to expedite the Board's appeal process for permit appeals related to the Western Addition Redevelopment Area.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 4 – 1 (Vice President Fung dissented) to not propose a rule change.

SPEAKERS: Amy Neches, for Redevelopment Agency (RA); David Silverman, attorney for developer.

PUBLIC COMMENT: David Pilpel and Peter Chernoff spoke against the propose rule.

(5) **ADDENDUM ITEMS:**

(5a) **REHEARING REQUEST:**

Subject property at 442 Haight Street. Letter from Brian Soriano, attorney for Jason Beck, MCD Operator / Real Party in Interest, requesting rehearing of Appeal No. 08-104, Selby vs. DBI, PDA, decided Oct. 1, 2008, and findings adopted on Oct. 15, 2008. At the Oct. 1, 2008 meeting, the Board voted 4-1 (Commissioner

Mandelman dissented) to revoke the subject permit with adoption of findings at a later date. Permit Holder: Harvey Rudman. Project: legalization of an existing medical cannabis dispensery; no physical alteration to existing space; BPA No. 2007/05/18/1718S. **Note: Public hearing held and closed on Nov. 12, 2008. For further consideration today.**

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 1 (Commissioner Mandelman dissented) to deny the rehearing request.

SPEAKERS: Brien Soriano, attorney for MCD operator; Thea Selby, appellant; Scott Sanchez, PD.

PUBLIC COMMENT: David Pilpel spoke in favor of the appellant.

(5b) **REHEARING REQUEST:**

Subject property at 1960 Golden Gate Avenue. Letter from Raquel Fox, attorney for appellants, requesting rehearing of Appeal No. 08-051, decided Oct. 15, 2008. At that time, the Board voted 3-2 (President Garcia and Commissioner Peterson dissented) to revoke the subject permit. Four votes being required to overturn a departmental action, the permit was upheld. Permit Holder: James Ulahue. Project: remove existing deck with invalid easement over subject property; reference BPA No. 2008/02/05/3995; BPA No. 2008/01/28/3333.

ACTION: Upon motion by President Garcia, the Board voted 3 – 2 (Commissioner Goh and Commissioner Mandelman dissented) to deny the rehearing request.

SPEAKERS: Raquel Fox, attorney for appellants; Marianne Beck, co–appellant; Ryan McCanley, co–appellant; Philip Head, co-appellant; Andrew Zacks, attorney for permit holder; Pat Buscovich, agent for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(5c) **ADOPTION OF FINDINGS:**

Subject property at 1980 Golden Gate Avenueaka 800-808 Lyon Street. Appeal No. 08-052, decided Oct. 15, 2008. At that time, the Board voted 4-1 (Commissioner Peterson dissented) to revoke the subject permit. Permit Holder: Prana Eight Properties LLC. Project: comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; provide fire escape to provide 2nd means of egress; BPA No. 2008/02/05/3995.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 1 (Commissioner Peterson dissented) to adopt the findings as amended.

SPEAKERS: Raquel Fox, attorney for appellants; Andrew Zacks, attorney for permit holder; Pat Buscovich, agent for permit holder; Ryan McCanley, co-appellant.

PUBLIC COMMENT: David Pilpel spoke in favor of the appellant.

(6) **APPEAL NO. 08-149**

IMAD BITAR dba "SMOKE PLUS", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	4059 – 18th Street. Appealing a ten (10) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Sept. 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-114. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to uphold the ten (10) day suspension.

SPEAKERS: Lisa O'Malley, DPH; Imad Bitar, appellant.

PUBLIC COMMENT: None.

(7) **APPEAL NO. 08-150**

ELIA KHOURY dba "CASTRO SMOKE HOUSE", Appellant(s) vs. DEPT. OF PUBLIC HEALTH, Respondent	409 Castro Street. Appealing a fifteen (15) - day suspension of a Tobacco Product Sales Establishment Permit, imposed on Sept. 10, 2008. Reason(s) for suspension: selling tobacco products to minors. DIRECTOR'S CASE NO. FD-08-110. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Mandelman dissented) to reduce the suspension to ten (10) day with a finding that the record before the Board warrants a lesser penalty.

SPEAKERS: Lisa O'Malley, DPH; Elia Khoury, appellant.

PUBLIC COMMENT: None.

ITEMS (8A) & (8B) SHALL BE HEARD TOGETHER:

(8A) **APPEAL NO. 08-120**

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s)	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to

vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY

(8B) **APPEAL NO. 08-123**

FARUO AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule both matters to 12/10/08 at the prior written request of the parties

SPEAKERS: None.

PUBLIC COMMENT: None.

(9) **APPEAL NO. 08-144**

PAULINE CHAN, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	421 Arguello Blvd. Protesting the issuance on Aug. 28, 2008, to Amy Lu, Permit to Alter a Building (excavation to add parking garages; revision to approved BPA No. 2005/07/05/6794 for apartment building with ground floor parking). APPLICATION NO. 2006/10/05/4322S. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(10) **APPEAL NO. 08-146**

KYLE WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1142 Jackson Street #4. Protesting the issuance on Aug. 27, 2008, to Kenneth Chang Trustee & Christina Cheng, Permit to Alter a Building (install furnace in unit No. 4, comply with NOV No 200862153). APPLICATION NO. 2008/08/01/8249. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to continue the matter to 12/10/08, with the public hearing held and closed, to allow time for the parties to conduct further negotiations.

SPEAKERS: Kyle Wong, appellant, Steven Williams, attorney for permit holder; Laurence Kornfield, DBI.

PUBLIC COMMENT: None.

(11) **APPEAL NO. 08-147**

VIRGINIA AGUILAR, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	80 Danton Street. Protesting the issuance on Sept. 8, 2008, to John Alden, Permit to Alter a Building (horizontal addition at rear; adding master bedroom and bath, guest bedroom and bath on 1st floor; living room and deck on 2nd floor; roof deck, new plumbing, electrical and heating ducts). APPLICATION NO. 2007/12/20/1043. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 2 – 2 – 1 (Commissioner Goh and Commissioner Mandelman dissented and Commissioner Peterson absent) to uphold the permit.

SPEAKERS: Susan Concepcion, daughter of appellant; John Alden, permit holder; Amanda Alden wife of permit holder; Tina Tam, PD.

PUBLIC COMMENT: None.

(12) **APPEAL NO. 08-148**

IRIT LEVI, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	47 Mirabel Avenue. Protesting the issuance on Aug. 29, 2008, to Alison Shepard, Permit to Alter a Building (758sf rear yard addition including new family room, bedroom, bath and rear yard deck at mid level; new rec. room, storage and bath at lower level).

PLANNING DEPT APPROVAL	APPLICATION NO. 2008/05/19/2378S. FOR HEARING TODAY.

ACTION Upon motion by President Garcia, the Board voted 5 – 0 to recuse Commissioner Goh from this case.

SPEAKERS None

PUBLIC COMMENT: None.

ACTION Upon motion by President Garcia the Board voted 4 – 0 – 1 (Commissioner Goh, recused) to uphold the permit.

SPEAKERS. Jeremy Paul, agent for appellant; Andre Rothblatt, agent for permit holder; Alison Shepard, permit holder; Tina Tam, PD.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 9:15 pm.

Board of Appeals

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November 26, 2008 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has not scheduled a meeting for Nov. 26, 2008 or Dec. 3, 2008. The next regular meeting is scheduled for **Wednesday, Dec. 10, 2008, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place. Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **Nov. 20, 2008**

Board of Appeals

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December 10, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 10, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Nov. 12 and Nov. 19, 2008 minutes.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 4726 Geary Blvd. Letter from Paul Horcher, attorney for Well-Care Acupuncture and Health Center Inc., appellant, requesting rehearing of Appeal No. 08-100, decided Oct. 15, 2008. At that time, the Board voted 5-0 to uphold the subject NOV regarding the operation of an unauthorized massage establishment at the subject property.

(4b) **REHEARING REQUEST:**

Subject property at 291 Page Street. Letter from Jace Levinson, agent for Erik Grossman, appellant, requesting rehearing of Appeal No. 08-136, decided Nov. 5, 2008. At that time, the Board voted 3-2 to overrule the denial and grant the tree removal permit with the following conditions: a) that one 36" box tree be planted at the subject property; b) that two 36" box trees be gifted to DPW BUF; c) that the appellant provide maintenance of the tree at the subject property in perpetuity; and d) that the species of all three trees be determined by the DPW BUF. Four votes being required to overturn a departmental action, the denial of the tree removal permit was upheld.

(4c) **JURISDICTION REQUEST:**

Subject property at 367 Chenery Street. Letter from Alma Hecht, requestor, asking that the Board take jurisdiction over BPA No. 2007/05/22/2001, which was issued on Feb. 21, 2008, and for which the appeal period lapsed on March 7, 2008. Permit Holder: Frederick Roeber. Project: new deck and stairs; new windows and door at kitchen and laundry.

(5) **APPEAL NO. 08-080**

ABDEL SDAIGUI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the denial on May 29, 2008, of ramp taxi medallion. FOR HEARING TODAY.

(6) **APPEAL NO. 08-054**

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. PUBLIC HEARING HELD & CLOSED ON AUG. 13, 2008. FOR

	FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to submit additional information pursuant to the Boardâ€™s comments.**

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08-064**

VERONICA RUEDRICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3467ï¿½ - 19th Street. Protesting the issuance on April 25, 2008, to Kaushik Dattani, Permit to Alter a Building (re-texture of walls and ceilings; refinish wood flooring; change windows - two front windows, six side windows, size for size; no work on exterior; NOV No. 200851355. APPLICATION NO. 2008/04/25/0700. PUBLIC HEARING HELD & CLOSED ON AUG. 6, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to await the termination of appellantâ€™s tenancy at the subject property.**

(7B) **APPEAL NO. 08-132**

VERONICA RUEDRICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3467ï¿½ - 19th Street. Protesting the issuance on Aug. 6, 2008, to 363 Valencia LLC, Permit to Alter a Building (remodel kitchen and bathroom; no cabinets before in kitchen â€" installing now; changing fixtures in bathroom; no change of walls, windows, doors, or exiting). APPLICATION NO. 2008/08/06/8573. FOR HEARING TODAY.

(8) APPEAL NO. 08-081

JAMES FORCIER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owners: NATHALIE LANG & JOHN WICKER	2666 Greenwich Street. Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008. APPLICATION NO. 2008/01/31/3694. PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI and Planning staff to conduct a site visit.**

(9) APPEAL NO. 08-146

KYLE WONG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1142 Jackson Street #4. Protesting the issuance on Aug. 27, 2008, to Kenneth Chang Trustee & Christina Cheng, Permit to Alter a Building (install furnace in unit No. 4; comply with NOV No. 200862153). APPLICATION NO. 2008/08/01/8249. PUBLIC HEARING HELD AND CLOSED ON NOV. 19, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct further negotiations.**

(10) APPEAL NO. 08-101

LEON BRILLANT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	325 Sacramento Street. Appealing a Letter of Determination dated June 5, 2008, regarding whether the permitted exterior work would qualify the subject building as a "compatible rehabilitation" to be deemed a preservation lot for the purposes of transfer of development rights. FOR HEARING TODAY.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 08-120**

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27â€™ X 15â€™ outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(11B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27â€™ X 15â€™ outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775.

	FOR HEARING TODAY.

(12) **APPEAL NO. 08-153**

BARBARA NG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	454 Head Street. Protesting the issuance on Sept. 24, 2008, to Marlene Moran, Permit to Alter a Building (comply with NOV No. 200558823; new foundation and reduce height of building to original envelope). APPLICATION NO. 2008/02/26/5647. FOR HEARING TODAY.

ITEMS (13A), (13B), (13C), (13D), (13E) & (13F) SHALL BE HEARD TOGETHER.

(13A) **APPEAL NO. 05-115**

ANDRE MANDEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #7. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.

(13B) **APPEAL NO. 05-116**

LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #1. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.

(13C) **APPEAL NO. 05-117**

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.

(13D) **APPEAL NO. 05-118**

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5703. FOR HEARING TODAY.

(13E) **APPEAL NO. 05-139**

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10, 2005. FOR HEARING TODAY.

(13F) **APPEAL NO. 05-140**

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.

ADJOURNMENT

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Mon.- Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).

Please call 415-575-6880 if you have any questions concerning this agenda.

Date posted: **November 26, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.
The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.
In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.
Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa
The complete Rules of the Board are available for review at the Board office, and on our website.
Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.
Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.
Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Boardâ€™s web site.

DVDâ€™S OF MEETINGS

DVDâ€™s of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 10, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Jordanna Thigpen, Executive Director, Taxi Commission (TC); Cynthia Goldstein, Executive Director; Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

10/08

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: President Garcia announced that the Board's 2009 meeting schedule is now available.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

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(3) **ADOPTION OF MINUTES:**

Discussion and possible adoption of the Nov. 12 and Nov. 19, 2008 minutes.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to adopt the November 12 and November 19, 2008 minutes.

SPEAKERS: None.

PUBLIC COMMENT: None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 4726 Geary Blvd. Letter from Paul Horcher, attorney for Well-Care Acupuncture and Health Center Inc., appellant, requesting rehearing of Appeal No. 08-100, decided Oct. 15, 2008. At that time, the Board voted 5-0 to uphold the subject NOV regarding the operation of an unauthorized massage establishment at the subject property.

ACTION: Upon motion by President Garcia, the Board voted 3 – 2 (Vice President Fung and Commissioner Goh dissented) to deny the rescheduling request. Afterwards, upon motion by President Garcia, the Board voted 3 – 2 (Vice President Fung and Commissioner Goh dissented) to deny the rehearing request.

SPEAKERS: Paul Horcher, attorney for appellant; Tina Tam, PD; Rachna, PD.

PUBLIC COMMENT: Silvia Johnson.

(4b) **REHEARING REQUEST:**

Subject property at 291 Page Street. Letter from Jace Levinson, agent for Erik Grossman, appellant, requesting rehearing of Appeal No. 08-136, decided Nov. 5, 2008. At that time, the Board voted 3-2 to overrule the denial and grant the tree removal permit with the following conditions: a) that one 36" box tree be planted at the subject property; b) that two 36" box trees be gifted to DPW BUF; c) that the appellant provide maintenance of the tree at the subject property in perpetuity; and d) that the species of all three trees be determined by the DPW BUF. Four votes being required to overturn a departmental action, the denial of the tree removal permit was upheld.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to grant the rehearing request, and to set the rehearing for January 14, 2009.

SPEAKERS: Jace Levinson, agent for appellant.

PUBLIC COMMENT: Silvia Johnson.

(4c) **JURISDICTION REQUEST:**

Subject property at 367 Chenery Street. Letter from Alma Hecht, requestor, asking that the Board take jurisdiction over BPA No. 2007/05/22/2001, which was issued on Feb. 21, 2008, and for which the appeal period lapsed on March 7, 2008. Permit Holder: Frederick Roeber. Project: new deck and stairs; new windows and door at kitchen and laundry.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to grant the jurisdiction request.

SPEAKERS: Paul Melbostad, attorney for requestor; Alma Hecht, requestor; Tanya Herrera, attorney for permit holder.

PUBLIC COMMENT: Silvia Johnson.

(5) **APPEAL NO. 08-080**

ABDEL SDAIGUI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the denial on May 29, 2008, of ramp taxi medallion. FOR HEARING TODAY.

ACTION: Upon motion by Commissioner Mandelman, the Board voted 5 – 0 to overrule the denial, and adopt the parties' settlement dated December 3, 2008.

SPEAKERS: Jordanna Thigpen, TC; Geoffrey Rotwein, attorney for appellant.

PUBLIC COMMENT: None.

(6) **APPEAL NO. 08-054**

ROBERT PENN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1307 Hayes Street. Appealing a Letter of Determination dated April 2, 2008, regarding the current zoning for the subject property. PUBLIC HEARING HELD & CLOSED ON AUG. 13, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for appellant to submit additional information pursuant to the Board's comments.**

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to reschedule the matter to February 11, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (7A) & (7B) SHALL BE HEARD TOGETHER:

(7A) **APPEAL NO. 08-064**

VERONICA RUEDRICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3467 – 19th Street. Protesting the issuance on April 25, 2008, to Kaushik Dattani, Permit to Alter a Building (re-texture of walls and ceilings; refinish wood flooring; change windows - two front windows, six side windows, size for size; no work on exterior; NOV No. 200851355). APPLICATION NO. 2008/04/25/0700. PUBLIC HEARING HELD & CLOSED ON AUG. 6, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to await the termination of appellant's tenancy at the subject property.**

(7B) **APPEAL NO. 08-132**

VERONICA RUEDRICH, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	3467 – 19th Street. Protesting the issuance on Aug. 6, 2008, to 363 Valencia LLC, Permit to Alter a Building (remodel kitchen and bathroom; no cabinets before in kitchen – installing now; changing fixtures in bathroom; no change of walls, windows, doors, or exiting). APPLICATION NO. 2008/08/06/8573. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 4 – 1 (Commissioner Mandelman initially dissented but changed his vote to aye; Commissioner Goh dissented) to uphold both permits on the condition that the suspension remain until January 5, 2009, and on the condition that work on both permits be limited to Monday thru Friday, 9am to 5pm.

SPEAKERS: Steve Collier, attorney for appellant; Steven Williams, attorney for permit holder, Augustine Fallay, agent for permit holder; Kaushik Dattani, permit holder; Veronica Ruedrich, appellant: Laurence Kornfield, DBI.

PUBLIC COMMENT: Silvia Johnson.

(8) **APPEAL NO. 08-081**

JAMES FORCIER, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent Subject Property Owners: NATHALIE LANG & JOHN WICKER	2666 Greenwich Street. Appealing a Request for Reinstatement of Suspended Permit dated May 19, 2008. APPLICATION NO. 2008/01/31/3694. PUBLIC HEARING HELD AND CLOSED ON OCT. 29, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for DBI and Planning staff to conduct a site visit.**

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to continue the matter to January 21, 2009, for the parties to conduct settlement negotiations.

SPEAKERS: Laurence Kornfield, DBI; Tina Tam, PD; James Forcier, appellant; Rodrigo Santos, agent for subject property owner.

PUBLIC COMMENT: Jeff Wood spoke in favor of the appellant; Silvia Johnson.

(9) **APPEAL NO. 08-146**

KYLE WONG; Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1142 Jackson Street #4. Protesting the issuance on Aug. 27, 2008, to Kenneth Chang Trustee & Christina Cheng, Permit to Alter a Building (install furnace in unit No. 4; comply with NOV No. 200862153). APPLICATION NO. 2008/08/01/8249. PUBLIC HEARING HELD AND CLOSED ON NOV. 19, 2008. FOR FURTHER CONSIDERATION TODAY. **Note: Matter continued to allow time for parties to conduct further negotiations.**

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to uphold the permit on condition: a) that the appellant be allowed to leave furniture at the subject unit; b) that the permit execution period be limited to six (6) weeks from the date the appellant vacates the subject unit as part of the temporary eviction.

SPEAKERS: Kyle Wong, appellant; Steven Williams, attorney for permit holder; Jerry Cheng, agent for permit holder.

PUBLIC COMMENT: Silvia Johnson.

(10) **APPEAL NO. 08-101**

LEON BRILLANT, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	325 Sacramento Street. Appealing a Letter of Determination dated June 5, 2008, regarding whether the permitted exterior work would qualify the subject building as a "compatible rehabilitation" to be deemed a preservation lot for the purposes of transfer of development rights. FOR HEARING TODAY.

ACTION: Withdrawn by the appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

ITEMS (11A) & (11B) SHALL BE HEARD TOGETHER:

(11A) **APPEAL NO. 08-120**

DEAN & CARMEN CHING and DEWEY & LAURIE ANN WOO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

(11B) **APPEAL NO. 08-123**

FARUQ AHMAD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	207 Marietta Drive. Protesting the issuance on July 29, 2008, to Robert & Maria Tilghman, Permit to Alter a Building (construct 27' X 15' outdoor deck; installation of sliding glass door; two windows to fit). APPLICATION NO. 2008/07/28/7775. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to uphold the permit with revised plans dated December 10, 2008, as signed by all the parties.

SPEAKERS: Robert Tilghman, permit holder; William Lim, agent for appellants; Laurence Kornfield, DBI.

PUBLIC COMMENT: Silvia Johnson.

(12) **APPEAL NO. 08-153**

BARBARA NG, Appellant(s) vs. DEPT. OF BUILDING INSPECTION; Respondent PLANNING DEPT. APPROVAL	454 Head Street. Protesting the issuance on Sept. 24, 2008, to Marlene Moran, Permit to Alter a Building (comply with NOV No. 200558823; new foundation and reduce height of building to original envelope). APPLICATION NO. 2008/02/26/5647. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to uphold the permit on condition that the permit holder's structural engineer immediately confer with the DBI on the following issues: a) modification of the concrete retaining wall detail; b) production of a plan for shoring and support of the adjacent foundations; and c) production of a plan for an accelerated schedule for construction.

SPEAKERS: Stuart Wong, agent for appellant; Emilio Moran, agent for permit holder; Laurence Kornfield, DBI; Barbara Ng, appellant.

PUBLIC COMMENT: Silvia Johnson.

ITEMS (13A), (13B), (13C), (13D), (13E) & (13F) SHALL BE HEARD TOGETHER:

(13A) **APPEAL NO. 05-115**

ANDRE MANDEL, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #7. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5100. FOR HEARING TODAY.

(13B) **APPEAL NO. 05-116**

LEAH GUILLERMO, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #1. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5684. FOR HEARING TODAY.

(13C) **APPEAL NO. 05-117**

CHRISTOPHER DUTRA, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #5. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5776. FOR HEARING TODAY.

(13D) **APPEAL NO. 05-118**

SEAN COOPER, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #8. Protesting the issuance on June 22, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/22/5703. FOR HEARING TODAY.

(13E) **APPEAL NO. 05-139**

OLIVIA PLATFORD, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #11. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5631. JURISDICTION GRANTED AUG. 10, 2005. FOR HEARING TODAY.

(13F) **APPEAL NO. 05-140**

FRICK DEAY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1166 Haight Street #12. Protesting the issuance on June 21, 2005, to Dennis McCarthy, Permit to Alter a Building (on multi-unit apt. building: remodel in kind kitchen and bath; install new electrical and plumbing for kitchen and bath). APPLICATION NO. 2005/06/21/5635. FOR HEARING TODAY.

ACTION: Upon motion by President Garcia, the Board voted 5 – 0 to reschedule the matter to March 11, 2009, at the prior written request of the parties.

SPEAKERS: None.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 9:10 p.m.

Board of Appeals

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December 17, 2008

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
AGENDA FOR REGULAR MEETING - WEDNESDAY, DECEMBER 17, 2008
5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

(3) **ADOPTION OF MINUTES:**

None.

(4) **ADDENDUM ITEMS:**

(4a) **REHEARING REQUEST:**

Subject property at 1980 Golden Gate Avenue aka 800 - 808 Lyon Street. Letter from Andrew Zacks, attorney for permit holder, requesting rehearing of Appeal No. 08-052. On Oct. 15, 2008, the Board voted 4-1 (Commissioner Peterson dissented) to revoke the subject permit. And on Nov. 19, 2008, the Board voted 4-1 (Commissioner Peterson dissented) to adopt the findings as amended. Permit Holder: Prana Eight Properties LLC. Project: comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; provide fire escape to provide 2nd means of egress; BPA No. 2008/02/05/3995.

(5) APPEAL NO. 08-154

SAYED BASHIR RAHIMI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Sept. 24, 2008, of A-card No. 62705 and medallion No. 1135. FOR HEARING TODAY.

(6) **APPEAL NO. 08-156**

AZZAM ENNAZER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Sept. 24, 2008, of medallion No. 431. FOR HEARING TODAY.

(7) **APPEAL NO. 08-008**

OMNIPOINT COMMUNICATIONS dba "T-MOBILE", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	201 Filbert Street. Appealing the suspension on Jan. 8, 2008, of BPA No. 2007/08/31/1513. Reasons for suspension: the subject permit was not routed to the Planning Department for the required review. FOR HEARING TODAY.

(8) **APPEAL NO. V08-157**

DONALD & ELSA LUBGUBAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1813 Church Street. Appealing the denial on Oct. 1, 2008, of Rear Yard Variance (construct a two-story addition at the rear of existing building). VARIANCE CASE NO. 2008.0508V. FOR HEARING TODAY.

ADJOURNMENT.

Note A: Each item on this agenda may include the following documents: 1) Preliminary Statement of Appeal and Appellant's Brief; 2) Permit Holder's, Respondent's or Other Parties' Brief; 3) Appellant's Reply; 4) Departmental decision, order, permit, determination, resolution, or notice

of violation; and 5) Correspondence. These items are available for public inspection at the Board's office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).
Note B: If any materials related to an item on this agenda have been distributed to the Board members after distribution of the agenda packet, those materials are available for public inspection at the Boardâ€™s office during normal office hours (Mon. - Fri., 8am - 12pm & 1pm - 5pm, 1650 Mission Street, Room 304).
Please call 415-575-6880 if you have any questions concerning this agenda.
Date posted: **December 12, 2008**

MEMBERS OF THE BOARD OF APPEALS	
MICHAEL GARCIA	PRESIDENT
FRANK FUNG	VICE PRESIDENT
TANYA PETERSON	COMMISSIONER
KENDALL GOH	COMMISSIONER
RAFAEL MANDELMAN	COMMISSIONER

PROCEDURE AT HEARINGS

The order of presentation of an appeal shall be as follows: In the case of appeal of denials, revocations and suspensions the representatives of the department, board, commission or person from whose order the appeal is taken shall speak first and shall be allowed seven minutes for their presentation and three minutes for rebuttal.
The appellant whose permit has been denied, revoked or suspended shall be allowed seven minutes for oral argument and three minutes for rebuttal.
In the case of protest appeals, the protestor shall speak first and shall be allowed seven minutes to present oral argument and three minutes for rebuttal, and the permit holder shall be allowed seven minutes to present oral argument and three minutes for rebuttal. The Board may request a departmental response at its own discretion.
Other persons desiring to speak before the Board on an appeal may speak once for up to three minutes, unless the presiding officer further limits time uniformly.

SPECIAL NOTES

In the event that a matter is continued to a specific date by the presiding officer and announced to the parties in the hearing room, no additional mailed notice will be sent. Please call the Board office at 575-6880 for scheduling or other information during regular business hours, or visit our website at www.sfgov.org/boa
The complete Rules of the Board are available for review at the Board office, and on our website.
Material submitted by the public for Board review prior to a scheduled hearing before the Board, should be addressed to the Board President, and be received at the Board office, 1660 Mission Street, Room 3036, no later than 4:00 p.m. the Thursday (six days) prior to the scheduled public hearing. Persons unable to attend the scheduled public hearing may submit written comments regarding a calendared item to the Board office. Comments received before noon on the day of the hearing will be made a part of the official record and will be brought to the attention of the Board at the public hearing. For complete distribution to all Commissioners of the Board, necessary staff and case files, submit an original and ten copies.
Pursuant to Government Code Â§ 65009, if you challenge, in court, the approval of a variance or development permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Appeals at, or prior to, the public hearing.
Calendared items are sometimes withdrawn or rescheduled the day of hearing, or are taken out of order to accommodate special needs. The Board urges all parties to be present in the hearing room from 5:00 p.m. so that everyone has an opportunity to participate in the relevant public hearing when it is called.

PROHIBITION OF SOUND-PRODUCING ELECTRONIC DEVICES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

ACCESSIBILITY INFORMATION

American sign language interpreters and/or sound enhancement system will be available upon request by contacting Board staff at 575-6880 at least 48 hours prior to the hearing. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call the accessibility hotline at 554-8925 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals. The closest accessible BART station is the Civic Center station located at the intersection of Market, Hyde and Grove Streets. Accessible curbside parking has been designated at points along McAllister Street. Accessible MUNI lines serving City Hall are the 42 Downtown Loop, 9 San Bruno and 71 Haight/Noriega and the F line. Accessible MUNI Metro lines are the J, K, L, M, and N. For more information regarding MUNI accessible services, call (415) 923-6142.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.
For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force: Frank Darby by mail to Administrator, Sunshine Ordinance Task Force, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854; or by e-mail at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Mr. Darby or by printing Chapter 67 of the San Francisco Administrative Code on the internet at www.sfgov.org/sunshine/.

LOBBYING ACTIVITY

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign and Governmental Conduct Code Â§ 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics.

SUGGESTIONS TO IMPROVE EFFICIENCY

The Board welcomes suggestions from the public regarding improvement of the efficiency of its operations. Please direct your comments and suggestions to Board staff, at 415-575-6880 or fax 415-575-6885. A customer satisfaction survey form is available at the meetings, the Board office, and on the Boardâ€™s web site.

DVD'S OF MEETINGS

DVD's of meetings may be obtained from SFGTV, Channels 26 & 78. Please telephone 415-554-4188 for information.

BOARD OF APPEALS
CITY & COUNTY OF SAN FRANCISCO
1650 Mission Street, Room 304
San Francisco, California 94103

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES - WEDNESDAY, DECEMBER 17, 2008

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President Michael Garcia, Vice President Frank Fung, Commissioner Tanya Peterson, Commissioner Kendall Goh, Commissioner Rafael Mandelman.

Catharine Barnes, Deputy City Attorney, Office of the City Attorney (OCA); Laurence Kornfield, Chief Building Inspector, Department of Building Inspection (DBI); Scott Sanchez, Planner, Planning Department (PD); Jordanna Thigpen, Director, Taxi Commission (TC); Cynthia Goldstein, Executive Director, Victor Pacheco, Legal Assistant; Manuel Payes, Clerk Typist.

12/17/08

(1) **PUBLIC COMMENT:**

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. If it is demonstrated that comments by the public will exceed 15 minutes, the President may continue Public Comment to another time during the meeting.

SPEAKERS: None.

(2) **COMMMISSIONERS COMMENTS & QUESTIONS:**

SPEAKERS: None.

(3) **ADOPTION OF MINUTES:**

None.

(4) **ADDENDUM ITEMS:**

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(4a) **REHEARING REQUEST:**

Subject property at 1980 Golden Gate Avenue aka 800-808 Lyon Street. Letter from Andrew Zacks, attorney for permit holder, requesting rehearing of Appeal No. 08-052. On Oct. 15, 2008, the Board voted 4-1 (Commissioner Peterson dissented) to revoke the subject permit. And on Nov. 19, 2008, the Board voted 4-1 (Commissioner Peterson dissented) to adopt the findings as amended. Permit Holder: Prana Eight Properties LLC. Project: comply with SFFD BFP NOV and DBI HIS NOV regarding existing deck and 2nd means of egress; new window; provide fire escape to provide 2nd means of egress; BPA No. 2008/02/05/3995.

ACTION: Upon motion by Vice President Fung, the Board voted 4 – 1 (President Garcia dissented) to deny the request for rehearing.

SPEAKERS: Andrew Zachs, attorney for permit holder; Pat Buscovich, agent for permit holder; Raquel Fox, attorney for appellant; Laurence Kornfield, DBI; Scott Sanchez, PD.

PUBLIC COMMENT: Kurt Mueller, Marianne Beck, and Phil Head spoke in favor of the appellants, tenants at 800 – 808 Lyon Street.

(5) **APPEAL NO. 08-154**

SAYED BASHIR RAHIMI, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Sept. 24, 2008, of A-card No. 62705 and medallion No. 1135. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to uphold both revocations, of A-card No. 62705 and medallion No. 1135.

SPEAKERS: Ligia Parmenter, attorney for appellant; Jordanna Thigpen, TC; Sgt. Ron Reynolds, SFPD.

PUBLIC COMMENT: Richard Hybels, Emma Perez, Horace Macarter, Boris Canada, Elizabeth Mingle, Laura Rigney, and Barry Taranto spoke in favor of the Taxi Commission.

(6) **APPEAL NO. 08-156**

AZZAM ENNAZER, Appellant(s) vs. TAXI COMMISSION, Respondent	Appealing the revocation on Sept. 24, 2008, of medallion No. 431. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to continue the matter to February 18, 2009, with the public hearing held and closed, to allow time for both parties to submit additional briefs, up to 5 pages, due Thursday, prior to the hearing.

SPEAKERS: Jordanna Thigpen, TC; Sgt. Ron Reynolds, SFPD; Geoffrey Rothwein, attorney for appellant.

PUBLIC COMMENT: Mike Dajani, Fadel Zaru, Peter Saidawi, and Hussein Bakir spoke in favor of appellant.

(7) **APPEAL NO. 08-008**

OMNIPOINT COMMUNICATIONS dba "T-MOBILE", Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	201 Filbert Street. Appealing the suspension on Jan. 8, 2008, of BPA No. 2007/08/31/1513. Reasons for suspension: the subject permit was not routed to the Planning Department for the required review. FOR HEARING TODAY.

ACTION: Withdrawn by appellant.

SPEAKERS: None.

PUBLIC COMMENT: None.

(8) **APPEAL NO. V08-157**

DONALD & ELSA LUBGUBAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	1813 Church Street. Appealing the denial on Oct. 1, 2008, of Rear Yard Variance (construct a two-story addition at the rear of existing building). VARIANCE CASE NO. 2008.0508V. FOR HEARING TODAY.

ACTION: Upon motion by Vice President Fung, the Board voted 5 – 0 to continue the matter to February 18, 2009, with the public hearing held and closed, to allow time for the appellant to confer with the Zoning Administrator on alternative options.

SPEAKERS: Scott Sanchez, PD; Javier Solorzano, agent for appellant.

PUBLIC COMMENT: None.

ADJOURNMENT.

There being no further business, President Garcia adjourned the meeting at 8:12pm

Board of Appeals

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December 24, 2008 (No Meeting)

PUBLIC NOTICE

The Board of Appeals has not scheduled meetings for Dec. 24, 2008, Dec. 31, 2008 or Jan. 7, 2009. The next regular meeting is scheduled for **Wednesday, Jan. 14, 2009, City Hall, Room 416, 5:00 pm,** One Dr. Carlton B. Goodlett Place. Please feel free to call 575-6880 if there are any questions concerning this or any other appeal matter.

Sincerely,
BOARD STAFF

Date Posted: **Dec. 18, 2008**

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